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THE ACTS
MADE IN
THE SECOND PARLIAMENT
OF OUR MOST HIGH AND DREAD SOVERAIGNE
CHARLES,

By the grace of God King of Scotland, England, France and Ireland, Defender of the Faith, &c.

Holden at Edinburgh in the severall Sessions thereof, according to the dates therein mentioned.

Acts past and done in this present Session of Parliament, the eleventh of June 1640.

EDINBURGH,
Printed by *Robert Young* and *Evan Tyler*, Printers to the Kings most excellent MAJESTIE.
ANNO 1641.

Cum Privilegio Regiæ Majestatis.

UMI

ACTS

PAST AND DONE IN THIS PRESENT Session of PARLIAMENT, the eleventh of *June* 1640.

ACT I.

ACT ANENT THE CHOOSING OF *Robert* Lord *Burghlie* to be Preſident in this Court and *Seſſion of Parliament, in reſpect of the abſence of the Kings Commiſſioner.*

THE Eſtates of Parliament preſently conveened by His Majeſties ſpeciall authoritie, Conſidering, that in reſpect of the abſence of His Majeſties Commiſſioner, they are neceſſitate to make choyſe of one of their number to be Preſident in this preſent Seſſion of Parliament, And underſtanding the ſufficiencie of *Robert* Lord *Burghlie* for that charge, They all in one voice, with one conſent, did nominate, elect and chooſe the ſaid *Robert* Lord *Burghlie*, to bee Preſident, and to proceed in this preſent Seſſion and Court of Parliament, for diſcuſſing and handling of the matters to be determinat thereintill.

ACT II.

ACT ANENT THE CONSTITUTION Of the Parliament, and all ſubſequent Parliaments.

THE Eſtates of Parliament preſently conveened by His Majeſties ſpeciall authoritie, Conſidering that this preſent Parliament was indicted by His Majeſtie, for ratifying of ſuch Acts as ſhould be concluded in the late Aſſemblie of the Kirk, for determining all Civill matters, and ſetling all ſuch things as may conduce to the publick good, and peace of this Kirk and Kingdome, And conſidering the ſeverall complaints of this Kirk unto Parliaments from time to time; proceeding from her continuall experience of prejudice and ruine, through many perſons, and ſpecially of Prelates their attempting to voyce or do any thing in name of the Kirk, without either bearing Office in the Kirk, or having commiſſion from the Kirk, And the Acts of the late Generall Aſſemblie, condemning the office of Biſhops, Archbiſhops, and other Prelates, and the civil places and power of Kirkmen, as their voycing and ryding in Parliament; and craving the aboliſhing of theſe Acts of Parliament, which grants to the Kirk or Kirkmen vote in Parliament, to be abrogate, as prejudiciall to her Liberties, and incompatible with her ſpirituall nature; Conſidering alſo that there are conveened in this preſent Parliament, by His Majeſties ſpeciall indiction, warrant, and authoritie, the Nobilitie, Barons, and Burgeſſes, the Eſtates of this Kingdome, who have a full and undoubted power to proceed and determine in all matters concerning the publick good of this Kingdome, and that notwithſtanding of the abſence of the Prelates, who by former Lawes were appointed to bee members of Parliament: And to the effect none preſume to move any queſtion thereanent, The ſaids Eſtates now conveened, as ſaid is, have declared, and by theſe preſents declares this preſent Parliament holden by the Nobilitie, Barons, and Burgeſſes, and their Commiſſioners, the true Eſtates of this Kingdome, to be a complete and perfect Parliament, and to have the ſamine power, authority and juriſdiction, as abſolutely and fully, as any Parliament formerly hath had within this Kingdome in time by-gone; And ordaines all Parliaments hereafter, to be ſo conſtitute, and to conſiſt onely in all time comming, of the Noblemen, Barons, and Burgeſſes, as the members and three Eſtates of Parliament: And reſcindes and annulls all former Lawes & Acts of Parliament, made in favours of whatſoever Biſhops, Archbiſhops, Abbots, Pryors, or other Prelates or Churchmen whatſoever, for their ryding, ſitting, or voycing in Parliament, either as Churchmen, or the Clergie, or in name of the Church, or as repreſenting the Church, as an State or member of Parliament, by reaſon of their Eccleſiaſticall Offices, Titles, Dignities, or Benefices, and namely, the 231. Act, Parl. 15. K. Ja. 6. 1597. anent the Kirk, and ſpecially parſons and prelates, repreſenting the third Eſtate, and the 2. Act Parl. 18. K. Ja. 6. 1606. anent the reſtitution of the eſtate of Biſhops, and their

their representing the third Estate, with all Acts and Constitutions of Convention, Councell, or Session, and all practises and customes whatsoever, in so far as the same or any clause thereof, tends or may be extended to the effect foresaid, as being found and declared prejudiciall to the Libertie of this Kirk and Kingdom, and to the puritie of the true reformed Religion therein established. And prohibites all persons whatsoever, to call in question the authoritie of this present Parliament, upon whatsoever pretext, under the pain of treason.

ACT III.

ACT ANENT THE CHOOSING of Committees out of every Estate.

THe Estates of Parliament presently conveened, by vertue of His Majesties speciall authority, Considering that there have divers questions arisen in this present Parliament, anent the freedome of the Parliament, either to choose, or not to choose Committees for Articles, & when they resolve to choose anent the manner of election of them, & anent their use and power: By reason the same is not yet determined nor set down by any Acts of former Parliaments; for removing whereof, & avoyding the great prejudice which by experience they find will hereby redound to this Kingdom, and to the liberty, freedom & dignity of the supreme Courts of Parliament, They have thought it necessary that a solid Order be set down, as wel declaring the Liberty of the Parliament, in the manner of their proceedings by themselves alone, or by Committees for Articles, as prescribing the form and manner of the election of these Committees for Articles, and defining their use, power, and manner of proceeding to be observed in all times coming. AND THEREFORE have statute and declared, That according to the Liberty of all free Judicatories, anent their own preparatorie Committees, all subsequent Parliaments, may according to the importance of Affairs for the time, either choose, or not choose severall Committees for Articles, as they shall think expedient, And that any subsequent Parliaments making election of Committees for Articles, to prepare matters for them, shall proceed in manner following, To wit, That these of the Noblemen, shalbe named and chosen by the Noblemen themselves, out of their number. And by the Barons Commissioners of Shires by themselves out of their number; And the Burgesses, Commissioners of Burrowes by themselves out of their number. The names of the which persons so named and chosen out of every Estate, (not exceeding for every Committee, the number prescribed by the Act of Parliament, 1587.) being openly read and made known to the whole Estates sitting in plain Parliament, The said Estates having received any propositions (which are ever first to bee presented to themselves) by an Act, shall authorize the said persons with power to

treat, reason, and consult upon the expediencie or inexpediencie of such Articles allanerlie as shalbe committed and recommended unto them by the Estates, and to set down such reasons and motives, as they can devise, whereby to inforce either the passing or rejecting of the samine in Parliament, To be reported, with the said Articles, to the remanent of the said Estates assembled in Parliament, that they may deliberate and advise thereupon, and that after discussing of the reasons given in either for, or against the samine, The said Estates may ordain such of the saids Articles as they find to deserve consideration to bee formed and past as Articles to bee voyced in plain Parliament. And in case it shall happen them to omit or forget to make report to the Estates, as said is, of any of the saids Articles, with their reasons for, or against the same, It shalbe lawfull in that case to the in-givers of the saids Articles, to propone the samine again in plain Parliament, that they may there be determined and decided. And farther, to the effect that the saids Estates may be in readines to receive all Articles which shalbe given in and presented to the Parliament, and either to give answer thereunto themselves, if they shall think it expedient, or otherwise to recommend the same to the said Committee, to be digested by them, and reported, as said is. IT is thought fit and declared, That the rest of the Estates, by and beside these of the severall Committees to the Articles shalbe holden continually to sit for receiving, advising, and discussing of all Articles, Propositions, Overtures, and Matters shall be presented to them from the beginning of the Parliament to the closure thereof. And such like, after all the saids Articles are past and discust by the saids Estates in manner foresaid, That they shall take such a competent time as they shall think requisite, according to the number and importance of the Affaires in hand, To revise and consider the samine again before the day of voycing, That they may be well and ripely advised thereanent.

ACT IV.

ACT ANENT THE RATIFICATION Of the Acts of the Assembly.

THE Estates of Parliament presently conveened by His Majesties speciall Authoritie, Ratifies, approves and perpetually confirmes the Act of the Generall Assemblie holden at *EDINBURGH* in the moneth of August last by-past, made upon the seventeenth day of the said Moneth, and in the eighth Session of the said Assembly, intituled, Anent the six causes of our bygone evils; whereof the tenour followes. THE Kings Majestie having graciously declared, that it is His Royall will and pleasure, that all questions about Religion, and matters Ecclesiasticall, be determined by assemblies of the Kirk, having also by publick Proclamation indicted this Free Nationall Assembly, for setling the present distractions of this Kirk, and for establishing of

of a perfect peace againſt ſuch diviſions and diſ-orders as have been ſore diſpleaſing to His Majeſtie, and grievous to all his good ſubjects. And now his Majeſties Commiſſioner, *Iohn* Earl of *Traquaire*, inſtructed and authorized with a full Commiſſion, being preſent and ſitting in this aſſembly, now fully conveened and orderly conſtitute in all the members thereof: according to the order of this Kirk, having at large declared His Majeſties zeal to the reformed Religion, and His Royall care and tender affection to this Kirk, where His Majeſtie had both His Birth and Baptiſme, His great diſpleaſure at the manifold diſtractions and diviſions of this Kirk and Kingdom, and His deſires to have all our wounds perfectly cured with a faire and fatherly hand; And although in the way approven by this Kirk, tryall hath been taken in former Aſſemblies before, from the Kirk Regiſters, to our full ſatisfaction, yet the Commiſſioners Grace making particular inquirie from the members of the Aſſembly, now ſolemnly conveened, concerning the reall and true cauſes of ſo many and great evills, at this time paſt, had ſo ſore troubled the peace of this Kirk and Kingdome, IT was repreſented to His Majeſties Commiſſioner, by this Aſſembly, that, beſide many other, the main and moſt materiall cauſes were, firſt the preſſing of this Kirk by the prelates, with a Service book or book of Common prayer, without warrant or direction from the Kirk, and containing, beſide the popiſh frame thereof, divers popiſh errours and ceremonies, and the ſeeds of manifold and groſſe ſuperſtitions and idolatrie; With a book of Canons, without warrant or direction from the Generall Aſſembly, eſtabliſhing a tyrannicall power over the Kirk, in the perſons of the Biſhops, and overthrowing the whole Diſcipline and Government of the Kirk by Aſſemblies; With a book of Conſecration and Ordination, without warrant of authoritie Civill or Eccleſiaſticall, appointing offices in the houſe of God, which are not warranted by the word of God, and repugnant to the Diſcipline and Acts of our Kirk; And with the High Commiſſion, erected without the conſent of this Kirk, ſubverting the juriſdiction and ordinary Judicatories of this Kirk, and giving to perſons meerly Eccleſiaſticall, the power of both ſwords, and to perſons meerly civill, the power of the keyes and kirk cenſures. A ſecond cauſe was the Articles of *Perth*, *viz.* the obſervation of Feſtivall dayes, kneeling at the Communion, Confirmation, Adminiſtration of the Sacraments in private places, which were brought in by a null Aſſembly, and are contrary to the Confeſſion of Faith, as it was meant and ſubſcribed, *Anno* 1580. and diverſe times ſince, and to the order and conſtitution of this Kirk. Thirdly, the change of the Government of the Kirk, from the Aſſemblies of the Kirk, to the perſons of ſome Kirkmen, uſurping priority and power over their Brethren, by the way, and under the name of Epiſcopall Government, againſt the confeſſion of Faith, 1580. againſt the order ſet down in the book of policie, and againſt the intention and conſtitutions of this Kirk from the beginning. Fourthly, the civill places and power of Kirkmen, their ſitting in Seſſion, Councell, and Exchequer, their ryding, ſitting, and voycing in Parliament, and their ſitting in the Bench as Juſtices of Peace, which according to the Conſtitutions of this

this Kirk, are incompatible with their ſpirituall function, lift them up above their Brethren in worldly pomp, and doe tend to the hinderance of the Miniſterie. Fiftly, the keeping and authorizing corrupt Aſſemblies at *Linlithgow* 1606. 1608. at *Glaſgow*, 1610. at *Aberdene* 1616. at *S. Andrewes* 1617. at *Pearth* 1618. which are null and unlawfull, as being called and conſtitute quite contrary to the order and conſtitutions of this Kirk, received and practiſed ever ſince the Reformation of Religion, and withall labouring to introduce Novations into this Kirk, againſt the Order and Religion eſtabliſhed. A ſixth cauſe is, the want of lawfull and Free Generall Aſſemblies, rightly conſtitute of Paſtours, Doctours, and Elders, yearely, or oftner, *pro re nata*, according to the Liberty of this Kirk, expreſſed in the book of policie, and acknowledged in the Act of Parliament 1592. after which, the whole Aſſembly, in one heart and voyce, did declare, that theſe and ſuch other, proceeding from the neglect and breach of the Nationall Covenant of this Kirk and Kingdome, made *anno* 1580. have been indeed the true & main cauſes of all our evils and diſtractions, AND therefore ordain, according to the Conſtitutions of the Generall Aſſemblies of this Kirk, and upon the grounds *reſpective* above-ſpecified, That the foreſaid Service-book, books of Canons, and Ordination, and the High Commiſſion, be ſtill rejected, That the articles of *Pearth* be no more practiſed, That Epiſcopall government, the civill places and power of Kirkmen, bee holden ſtill as unlawfull in this Kirk, That the above-named pretented aſſemblies at *Linlithgow* 1606. 1608. at *Glaſgow* 1610. at *Aberdene* 1616. at *S. Andrewes* 1617. at *Pearth* 1618. be hereafter accounted as null, and of none effect; and that for preſervation of Religion, and preventing all ſuch evils in time comming, Generall Aſſemblies rightly conſtitute, as the proper and competent Judge of all matters Eccleſiaſticall, hereafter be keeped yearely, and oftner *pro re nata*, as occaſion and neceſſitie ſhall require (The neceſſitie of theſe occaſionall Aſſemblies being firſt remonſtrate to His Majeſtie by humble ſupplication) As alſo that Kirk Seſſions, Presbyteries, and Synodal Aſſemblies, be conſtitute and obſerved according to the Order of this Kirk; Which Act, with all and ſundrie the particular heads, clauſes, and articles therein contained, The Eſtates now conveened by His Majeſties indiction, warrant and authoritie foreſaid, Ratifies, approves, and confirmes in all points, in manner as the ſame proports; And gives thereunto the ſtrength of a Law and Act of Parliament, and ordaines execution to paſſe thereupon as effeirs; And reſcindes, caſſes, and annulls all Acts and Decrees of Parliament and Councell formerly made, contrair and in prejudice of the ſaid Act, or any part thereof.

ACT V.

ACT V.

ACT ANENT THE RATIFICATION Of the Covenant, and of the Assemblies supplication. Act of Councell, and Act of Assemblie concerning the Covenant.

THE Estates of Parliament presently conveened by his Majesties speciall authoritie, considering the supplication of the Generall Assembly at Edinburgh the 12. of August 1639. to his Majesties high Commissioner, & the Lords of His Majesties Honourable Privie Councell, and the Act of the Councell the 30. of August 1639. containing the answer of the said supplication, & the Act of the said General Assembly, ordaining by their Ecclesiasticall constitution, the subscription of the Confession of Faith & Covenant, mentioned in their Supplication; And withall, having supplicated His Majestie to ratifie and enjoyne the samine by His Royall authoritie, under all civill paines, as tending to the glorie of God, preservation of Religion, the Kings Majesties honour, and the perfect peace of this Kirk and Kingdome, Do ratifie and approve the said supplication, Act of Councell, and Act of Assembly, and conforme thereto, Ordaines and commands the said Confession and Covenant, to be subscribed by all His Majesties Subjects, of what rank and qualitie soever, under all civill paines, And ordaines the said Supplication, Act of Councell, and Act of the Assembly, with the whole Confession and Covenant it selfe, to bee insert and registrate in the Acts and books of Parliament; And also ordaines the samine to be presented at the entrie of every Parliament, & before they proceed to any other Act, That the same bee publickly read and sworne by the whole members of Parliament, claiming voice therein, otherwise the refusers to subscribe and swear the same, shall have no place nor voice in Parliament. And such like ordaines all Judges, Magistrates, or other Officers of whatsoever place, rank or qualitie, and Ministers at their entrie, to sweare and subscribe the samine Covenant, Whereof, and of the said Supplication, Act of Councell, and Act of the Assembly, the tenour followes, &c.

THE SUPPLICATION OF THE GENERALL Assembly conveened at EDINBURGH the 12. of August 1639. to his Majesties high Commissioner, and the Lords of his Majesties Honourable Privie Councell.

WEE the Generall Assembly, considering with all humble and thankfull acknowledgment, the many recent favours bestowed upon us by His Majestie, and that there resteth nothing for crowning of His Majesties incomparable goodnesse towards us, but that all the members of this Kirk and Kingdome be joyned in one and the same Confession and Covenant with God, with

with the Kings Majeſtie, and amongſt our ſelves: And conceiving the main lett and impediment to this ſo good a work, and ſo much wiſhed by all, to have been the Informations made to his Majeſtie, of our Intentions to ſhake off civill and duetifull obedience due to Soveraignty, and to diminiſh the Kings greatnes and authoritie, and being moſt willing and deſirous to remove this and all ſuch impediments which may hinder and impede ſo full and perfect an Union, and for clearing of our loyaltie, WEE in our own names, and in name of all the reſt of the Subjects and Congregations whom we repreſent, do now in all humility repreſent to your Grace, His Majeſties Commiſſioner, and the Lords of His Majeſties moſt Honourable Privie Councell, and declares before God and the world, that we never had, nor have any thought of with-drawing our ſelves from that humble and duetifull obedience to his Majeſtie, and to his goverment, which by the deſcent and under the reigne of 107. Kings, is moſt chearfully acknowledged by us and our predeceſſours: and that we never had, nor have any intention nor deſire to attempt any thing that may tend to the diſhonour of God, or the diminution of the Kings greatneſſe and authoritie: But on the contrary, acknowledging our quietnes, ſtabilitie and happines to depend upon the ſafety of the Kings Majeſties Perſon, and maintenance of his greatnes and royall authoritie who is Gods Vice-gerent ſet over us, for the maintenance of Religion and miniſtration of Juſtice, Wee have ſolemnly ſworn and do ſweare, not only our mutuall concurrence and aſſiſtance for the cauſe of Religion, and to the uttermoſt of our power, with our meanes and lives, to ſtand to the defence of our dread Soveraigne, his perſon and authority, in the preſervation and defence of the true Religion, Liberties and Lawes of this Kirk and Kingdome, but alſo in every cauſe which may concerne his Majeſties honour, ſhall according to the Lawes of this Kingdome, and the duties of good Subjects, concurre with our friends and followers in quiet manner, or in Armes, as we ſhalbe required of his Majeſtie, his Councell, or any having his authority. And therefore being moſt deſirous to cleare our ſelves of all imputation of this kinde, and following the laudable example of our predeceſſours, 1589. do moſt humbly ſupplicate your Grace, his Majeſties Commiſſioner, and the Lords of his Majeſties moſt honourable Privie Councell, to injoyn by act of Councell, that this Confeſſion and Covenant, which, as a teſtimony of our fidelity to GOD, and loyaltie to our King, wee have ſubſcribed, be ſubſcribed by all his Majeſties Subjects, of what ranke and quality ſoever.

THE

THE ACT OF HIS MAJESTIES MOST Honourable Privie Councell at Edinburgh, *Auguſt* 30. *Anno* 1639. containing the anſwer of the Supplication above-written.

THE which day in preſence of the Lord Commiſſioner, and Lords of Privie Councell, compeired perſonally *John* Earle of *Rothes*, *James* Earle of *Montroſe*, *John* Lord *Lowdoun*, Sir *George Stirling* of Keir Knight, Sir *William Douglas* of Cavers Knight, Sir *Henry Wood* of Bonytoun Knight, *John Smyth* Burgeſſe of Edinburgh, Mr. *Robert Barclay* Proveſt of Irwing, Mr. *Alexander Henderſon* Miniſter at Edinburgh, and Maſter *Archbald Johnſtoun* Clerk to the Generall Aſſembly, and in the name of the preſent ſitting Generall Aſſembly, gave in to the Lord Commiſſioner and Lords of Privie Councell, the petition above written; which being read, heard, and conſidered by the ſaids Lords, they have ordained, and ordain the ſame to be inſert and regiſtrate in the bookes of Privie Councell, and according to the deſire thereof, ordaines the ſaid Confeſſion and Covenant to be ſubſcribed in time comming by all his Majeſties Subjects of this Kingdome, of what rank and quality ſoever.

THE ACT OF THE GENERALL ASSEMBLY, Ordaining by Eccleſiaſticall authoritie, the ſubſcription of the Confeſſion of Faith and Covenant.

THE Generall Aſſembly conſidering the great happineſſe which may flow from a full and perfect Union of this Kirk and Kingdome, by joyning of all in one and the ſame Covenant with God, with the Kings Majeſtie, and amongſt our ſelves, having by our great Oath declared the uprightnes and loyalty of our intentions in all our proceedings, and having withall ſupplicated his Majeſties high Commiſſioner, and the Lords of his Majeſties honourable Privie Councell, to injoyne by Act of Councell, all the Lieges in time comming to ſubſcribe the Confeſſion of Faith and Covenant, which as a teſtimony of our fidelity to God, and loyalty to our King, wee have ſubſcribed; And ſeeing his Majeſties high Commiſſioner, and the Lords of his Majeſties honourable Privie Councell, have granted the deſire of our Supplication, ordaining by civill authority, all his Majeſties Lieges in time comming, to ſubſcribe the foreſaid Covenant, that our union may be the more full and perfect, We by our act and conſtitution Eccleſiaſticall, doe approve the foreſaid Covenant, in all the Heads and Clauſes thereof, and ordaines of new, under all Eccleſiaſticall cenſure, that all the Maſters of Univerſities, Colledges, and Schooles, all Schollers at the paſſing of their

their degrees, all perſons ſuſpect of Papiſtry, or any other errour; and finally, all the members of this Kirk and Kingdome, ſubſcribe the ſame, with theſe words prefixed to their ſubſcription: *The Article of this Covenant, which was at the firſt ſubſcription referred to the determination of the generall Aſſembly, being determined. And thereby the Five Articles of Perth, the governement of the Kirk by Biſhops, the civill places and power of Kirke-men, upon the reaſons and grounds contained in the acts of the Generall Aſſembly, declared to be unlawfull within this Kirk, wee ſubſcribe according to the determination foreſaid.* And ordaines the Covenant, with this declaration, to be inſert in the Regiſters of the Aſſemblies of this Kirk, Generall, Provinciall, and Presbyteriall, *ad perpetuam rei memoriam*; and in all humility ſupplicates his Majeſties high commiſſioner, and the honourable Eſtates of Parliament, by their authority, to ratifie and injoyne the ſame, under all civill paines, which will tend to the glory of God, preſervation of Religion, the Kings Majeſties honour, and perfect peace of this Kirk and Kingdome.

The Confeſsion of Faith, ſubſcribed at firſt by the Kings Majeſtie and his Houſhold, in the yeare of God 1580. *Thereafter by Perſons of all rankes, in the yeare* 1581. *By ordinance of the Lords of the ſecret Councell, and acts of the Generall Aſſembly. Subſcribed again by all ſorts of Perſons in the yeare* 1590. *By a new ordinance of Councell, at the deſire of the Generall Aſſembly: with a generall Band for maintenance of the true Religion, and the Kings Perſon. And ſubſcribed in the yeare* 1638. *By Us, Noblemen, Barons, Gentlemen, Burgeſſes, Miniſters, and Commons, then under ſubſcribing: Together with our reſolution and promiſes for the cauſes after ſpecified, to mainetaine the ſaid true Religion, and the Kings Majeſtie, according to the Confeſsion foreſaid, and acts of Parliament. And now, upon the Supplication of the Generall Aſſembly to his Majeſties high Commiſsioner, and the Lords of his Majeſties honourable Privy Councell, ſubſcribed again in the yeare* 1639. *by ordinance of Councell, and Act of the Generall Aſſembly.*

WEe all, and every one of us under-written, proteſt, that after long and due Examination of our owne conſciences, in matters of true and falſe Religion, Wee are now throughly reſolved of the Trueth, by the word and Spirit of God; And therefore wee believe with our hearts, confeſſe with our mouths, ſubſcribe with our hands, and conſtantly affirme before God, and the whole World, that this onely is the true Chriſtian Faith and Religion, pleaſing God, and bringing Salvation to man, which now is by the mercie of God revealed to the world, by the preaching of the bleſſed Evangel, and received, beleeved, and defended by many and ſundry notable Kirks and Realmes, but chiefly by the *Kirke of Scotland, the Kings Majeſtie, and the three Eſtates of this Realme*, as Gods Eternall Truth,

Trueth, and onely ground of our Salvation, as more particularly is expreſſed in the Confeſſion of our Faith, ſtabliſhed, and publickly confirmed by ſundry Acts of Parliaments, and now of a long time hath beene openly profeſſed by the Kings Majeſtie, and whole body of this Realme both in Burgh and Land. To the which Confeſſion and forme of Religion, wee willingly agree in our conſciences in all points, as unto Gods undoubted Trueth and Veritie, grounded onely upon his written Word. And therefore, wee abhorre and deteſt all contrarie Religion, and Doctrine: But chiefly, all kind of Papiſtrie, in generall and particular heads, even as they are now damned and confuted by the *Word of God, and Kirk of Scotland*: But in ſpeciall, we deteſt and refuſe the uſurped authoritie of that Roman Antichriſt upon the Scriptures of God, upon the Kirk, the civill Magiſtrate, and conſciences of men, all his tyrannous lawes made upon indifferent things againſt our Chriſtian libertie: His erroneous Doctrine againſt the ſufficiencie of the written Word, the perfection of the law, the office of Chriſt, and his bleſſed Evangel: His corrupted Doctrine concerning originall ſinne, our naturall inabilitie and rebellion to Gods Law, our Juſtification by faith only, our imperfect Sanctification and obedience to the Law, the nature, number and uſe of the Holy Sacraments: His five baſtard Sacraments, with all his Rites, Ceremonies, and falſe Doctrine, added to the miniſtration of the true Sacraments without the word of God: His cruell judgement againſt Infants, departing without the Sacrament: His abſolute neceſſitie of Baptiſme: His blaſphemous opinion of Tranſubſtantiation, or reall preſence of Chriſts Body in the Elements, and receiving of the ſame by the wicked, or bodies of men: His diſpenſations with ſolemne Oaths, Perjuries, and degrees of Marriage, forbidden in the Word: His crueltie againſt the innocent divorced: His divelliſh Maſſe: His blaſphemous Prieſthood: His profane Sacrifice for the ſins of the dead and the quicke: His Canonization of men, calling upon Angels or Saints departed, worſhipping of Imagerie, Relicts, and Croſſes, dedicating of Kirks, Altars, Dayes, Vowes to creatures; His Purgatorie, Prayers for the dead, praying or ſpeaking in a ſtrange language, with his Proceſſions, blaſphemous Letanie, and multitude of Advocates or Mediators: His manifold Orders, Auricular Confeſſion: His deſperate and uncertain Repentance; His generall and doubtſome Faith; His ſatisfactions of men for their ſinnes: His Juſtification by works, *opus operatum*, works of Supererogation, Merits, Pardons, Peregrinations, and Stations: His holy-water, baptizing of Bells, conjuring of Spirits, croſſing, ſaning, anointing, conjuring, hallowing of GODS good creatures, with the ſuperſtitious opinion joyned therewith; His worldly Monarchie, and wicked Hierarchie: His three ſolemne vowes, with all his ſhavelings of ſundry ſorts: His erroneous and bloudie decrees made at Trent, with all the ſubſcribers and approvers of that cruell and bloudie Band, conjured againſt the Kirk of GOD: And finally, we deteſt all his vain Allegories, Rites, Signes and Traditions, brought in the Kirk, without, or againſt the Word of GOD, and Doctrine of this true reformed Kirk: To the which wee joyne our ſelves willingly in Doctrine, Faith, Religion, Diſcipline, and uſe of the holy

Sacraments, as lively members of the ſame in Chriſt our Head: Promiſing and ſwearing by the *Great Name of the Lord our* GOD, that wee ſhall continue in the Obedience of the Doctrine and Diſcipline of this Kirk, and ſhall defend the ſame according to our vocation and power all the dayes of our lives, under the paines contained in the Law, and danger both of Body and Soule, in the day of GODS fearefull Judgement: And ſeeing that many are ſtirred up by Sathan, and that Roman Antichriſt, to promiſe, ſweare, ſubſcribe, and for a time uſe the holy Sacraments in the Kirk deceitfully, againſt their own conſciences, minding thereby, firſt, under the externall cloak of Religion to corrupt and ſubvert ſecretly GODS true Religion within the Kirk, and afterward, when time may ſerve, to become open enemies and perſecutors of the ſame, under vain hope of the Popes diſpenſation, deviſed againſt the Word of GOD, to his greater confuſion, and their double condemnation in the day of the Lord Jesus: Wee, therefore, willing to take away all ſuſpicion of hypocriſie, and of ſuch double dealing with GOD and his Kirk, Proteſt, and call *The Searcher of all hearts* for witneſſe, that our mindes and hearts doe fully agree with this our *Confeſſion*, *Promiſe*, *Oath*, and *Subſcription*, ſo that Wee are not moved for any worldly reſpect, but are perſwaded only in our conſciences, through the knowledge and love of GODS true Religion, printed in our hearts by the holy Spirit, as wee ſhall anſwere to him in the day, when the ſecrets of all hearts ſhall be diſcloſed; And becauſe wee perceive, that the quietnes and ſtabilitie of our Religion and Kirk, doth depend upon the ſafetie and good behaviour of the Kings Majeſtie, as upon a comfortable inſtrument of Gods mercy, granted to this Countrey, for the maintaining of his Kirk, and miniſtration of Juſtice amongſt us, we proteſt and promiſe with our hearts, under the ſame Oath, Handwrit, and paines, that wee ſhall defend his Perſon and Authoritie, with our goods, bodies, and lives, in the defence of Chriſt his Evangel, Liberties of our Countrey, miniſtration of Juſtice, and puniſhment of Iniquitie againſt all enemies within this Realme, or without, as wee deſire our GOD to bee a ſtrong and mercifull defender to us, in the day of our death, and comming of our Lord Jesus Christ; To whom with the Father, and the holy Spirit, be all Honour and Glory eternally.

LIKE AS many Acts of Parliament not only in generall do abrogat, annull, and reſcind all Laws, Statutes, Acts, Conſtitutions, Canons, civill or municipall, with all other Ordinances and practique penalties whatſoever, made in prejudice of the true Religion and Profeſſours thereof: Or of the true Kirk diſcipline, juriſdiction, and freedome thereof: Or in favours of idolatrie and ſuperſtition: Or of the Papiſticall Kirk: As, *Act* 3. *Act* 31. *Parl.* 1. *Act* 23. *Parl.* 11. *Act* 114. *Parl.* 12. of *K. James the ſixt*, That Papiſtrie and Superſtition may be utterly ſuppreſſed according to the intention of the Acts of Parliament repeated in the 5. *Act*, *Parl.* 20. *K. James* 6. And to that end they ordaine all Papiſts and Prieſts to bee puniſhed by manifolde Civill and Eccleſiaſticall paines, as adverſaries to Gods true Religion, preached, and by Law eſtabliſhed within this Realme, *Act* 24. *Parl.* 11. *K. James* 6. as common enemies

to

to all Christian Government, *Act* 18. *Parl.* 16. *K. James* 6. as rebellers and gain-standers of our Soveraigne Lords authority, *Act* 47. *Parl.* 3. *K. James* 6. and as Idolaters, *Act* 104. *Parl.* 7. *K. James* 6. But also in particular (by and attour the Confession of faith) do abolish and condemne the Popes Authority and Jurisdiction out of this Land, and ordain the maintainers thereof to be punished, *Act* 2. *Parl.* 1. *Act* 51. *Parl.* 3. *Act* 106. *Parl.* 7. *Act* 114. *Parl.* 12. *K. James* 6. do condemn the Popes erroneous doctrine, or any other erroneous doctrine repugnant to any of the Articles of the true and Christian Religion publikely preached, and by Law established in this Realme: And ordaine the spreaders and makers of Books or Libels, or Letters, or writs of that nature to be punished, *Act* 46. *Parl.* 3. *Act* 106. *Parl.* 7. *Act* 24. *Parl.* 11. K. *James.* 6. do condemn all Baptism conform to the Popes Kirk and the Idolatry of the Masse, and ordain all sayers, wilfull hearers, and concealers of the Masse, the maintainers and re-setters of the Priests, Jesuits, traffiquing Papists, to bee punished without any exception or restriction, *Act* 5. *Parl.* 1. *Act* 120 *Parl.* 12. *Act* 164. *Parl.* 13. *Act* 193. *Parl.* 14. *Act* 1. *Parl.* 19. *Act* 5. *Parl.* 20. *K. James* 6. do condemne all erroneous bookes and writs containing erroneous doctrine against the Religion presently professed, or containing superstitious Rites and Ceremonies Papisticall, whereby the people are greatly abused, and ordain the home-bringers of them to be punished, *Act* 25. *Parl.* 11. *K. James* 6. do condemn the monuments and dregs of by-gone Idolatry, as going to the Crosses, observing the Festivall dayes of Saints, and such other superstitious and Papisticall Rites, to the dishonour of GOD, contempt of true Religion, and fostering of great errour among the people, and ordain the users of them to be punished for the second fault as Idolaters; *Act* 104. *Parl.* 7. *K. James* 6.

LIKE AS many Acts of Parliament are conceived for maintenance of Gods true and Christian Religion, and the purity thereof in Doctrine and Sacraments of the true Church of GOD, the liberty and freedome thereof, in her Nationall and Synodall Assemblies, Presbyteries, Sessions, Policie, Discipline, and Jurisdiction thereof, as that purity of Religion and liberty of the Church was used, professed, exercised, preached, and confessed according to the Reformation of Religion in this Realme; As for instance, *the* 99 *Act Parl.* 7. *Act* 23. *Parl.* 11. *Act* 114. *Parl.* 12. *Act.* 160. *Parl.* 13. *of K. James* 6. ratified by 4. *Act* of King *Charles*. So that the 6. *Act Parl.* 1. and 68. *Act Parl.* 6. of King *James* 6. in the yeare of God 1579. declare the Ministers of the blessed Evangel, whom *GOD* of his mercie had raised up, or hereafter should raise, agreeing with them that then lived in Doctrine, and Administration of the Sacraments, and the people that professed Christ, as hee was then offered in the Evangel, and doth communicate with the holy Sacraments, (as in the reformed Kirks of this Realme they were publikely administrate) according to the Confession of Faith, to bee the true and holy Kirk of Christ Jesus within this Realme, and discerne and declare all and sundry, who either gain-say the Word of the Evangel, received and approved, as the heads of the confession of faith, professed in Parliament, in the yeare of God 1560, specified also in the

first Parliament of King *Iames 6.* and ratified in this preſent Parliament, more particularly doe ſpecifie, or that refuſes the adminiſtration of the holy Sacraments, as they were then miniſtrated, to be no members of the ſaid Kirk within this Realme, and true Religion, preſently profeſſed, ſo long as they keep themſelves ſo divided from the ſocietie of CHRISTS Body: And the ſubſequent *Act 69. Parl. 6. of King Iames 6.* declares, that there is none other Face of Kirk, nor other Face of Religion, then was preſently at that time by the favour of GOD eſtabliſhed within this Realme, which therefore is ever ſtiled, *Gods true Religion, Chriſts true religion, the true and Chriſtian Religion, and a perfect Religion,* Which, by manifold Acts of Parliament, all within this Realme, are bound to profeſſe to ſubſcribe the articles thereof, the Confeſſion of Faith, to recant all doctrine and errours repugnant to any of the ſaid Articles, *Act 4. and 9. Parl. 1. Act* 45. 46. 47. *Parl. 3. Act* 71. *Parl. 6. Act* 106. *Parl. 7. Act* 24. *Parl.* 11. *Act* 123. *Parl.* 12. *Act* 194. *and* 197 *Parl.* 14. *of King Iames 6.* And all Magiſtrates, Sheriffs, &c. on the one part are ordained to ſearch, apprehend, and puniſh all contraveeners. For inſtance, *Act* 5. *Parl.* 1. *Act.* 104. *Parl.* 7. *Act* 25. *Parl.* 11. *K. Iames 6.* and that notwithſtanding of the Kings Majeſties licences on the contrary, which are diſcharged and declared to be of no force, in ſo far as they tend in any wayes to the prejudice and hinder of the execution of the Acts of Parliament againſt Papiſts and adverſaries of true Religion, *Act* 106. *Parl.* 7. *K. Iames 6.* On the other part in the 47. *Act Parl. 3. K. Iames 6.* it is declared and ordained, ſeeing the cauſe of Gods true Religion, and his highnes Authority are ſo joyned, as the hurt of the one is common to both, and that none ſhall be reputed as loyall and faithfull ſubjects to our Soveraign Lord, or his authority, but be puniſhable as rebellers and gain-ſtanders of the ſame, who ſhall not give their Confeſſion, and make their profeſſion of the ſaid true Religion, and that they who after defection ſhall give the Confeſſion of their Faith of new, they ſhall promiſe to continue therein in time comming, to maintaine our Soveraigne Lords Authority, and at the uttermoſt of their power to fortifie, aſſiſt, and maintain the true Preachers and Profeſſours of Chriſts Evangel, againſt whatſoever enemies and gain-ſtanders of the ſame: and namely, againſt all ſuch (of whatſoever nation, eſtate, or degree they be of) that have joyned, and bound themſelves, or have aſſiſted, or aſſiſt to ſet forward and execute the cruell decrees of the Councel of *Trent*, contrary to the true Preachers and Profeſſours of the Word of God, which is repeated word by word in the Articles of Pacification at *Perth* the 23 of February 1572. approved by Parliament the laſt of April 1573. ratified in Parliament 1587. and related, *Act* 123. *Parl.* 12. *of K. Iames 6.* with this addition, that they are bound to reſiſt all treaſonable uproares and hoſtilities raiſed againſt the true Religion, the Kings Majeſtie, and the true Profeſſors. LIKE AS all Liedges are bound to maintain the K. Majeſties Royall Perſon, and Authority, the Authority of Parliaments, without the which neither any lawes or lawfull Judicatories can be eſtabliſhed, *Act* 130. and 131 *Parl.* 8. K. *Iames 6.* and the ſubjects liberties, who ought only to live and be governed by the Kings lawes, the common lawes of this Realm allanerly,

allanerly. *Act* 48. *Parl.* 3. *K. James the first. Act* 79. *Parl.* 6. *K. James* 4. *repeated in the Act* 131. *Parl.* 8. *K. James* 6. Which, if they be innovated or prejudged, the Commission anent the Union of the two Kingdomes of *Scotland* and *England*, which is the sole *Act of the* 17. *Parl. of K. James* 6. declares such confusion would ensue, as this Realm could be no more a free Monarchie, because by the fundamentall lawes, ancient priviledges, offices, and liberties of this Kingdom, not onely the Princely Authority of his Majesties Royall descent hath beene these many ages maintained, but also the peoples security of their Lands, livings, rights, offices, liberties, and dignities preserved. And therefore for the preservation of the said true Religion, Lawes, and Liberties of this Kingdom, it is statute by the 8. *Act, Parl.* 1. *repeated in the* 99. *Act, Parl.* 7. *Ratified in the* 23. *Act, Parl.* 11. *and* 114. *Act, Parl.* 12. *of K. James* 6. *and* 4. *Act of K. Charles*, that all Kings and Princes at their Coronation and reception of their Princely authority, shall make their faithfull promise by their solemne Oath in the presence of the Eternall GOD, that, enduring the whole time of their lives, they shall serve the same eternall GOD to the uttermost of their power, according as he hath required in his most holy Word, contained in the Old and New Testament: And according to the same Word, shall maintain the true Religion of Christ Jesus, the preaching of his holy Word, the due and right ministration of the Sacraments now received and preached within this Realme (according to the Confession of Faith immediatly preceding) and shall abolish and gain-stand all false Religion contrary to the same, and shall rule the people, committed to their charge, according to the will and command of GOD, revealed in his foresaid word, and according to the laudable Lawes and Constitutions received in this Realme, no wayes repugnant to the said will of the eternall GOD, and shall procure, to the uttermost of their power, to the Kirk of GOD, and whole Christian people, true and perfect peace in all time comming: and that they shall be carefull to root out of their Empire all Hereticks, and enemies to the true worship of GOD, who shall be convicted by the true Kirk of GOD, of the foresaid crimes, which was also observed by his Majestie, at his Coronation at *Edinburgh*, 1633. as may be seen in the Order of the Coronation.

IN OBEDIENCE to the commandement of God, conform to the practise of the godly in former times, and according to the laudable example of our Worthy and Religious Progenitors, and of many yet living amongst us, which was warranted also by Act of Councell, commanding a generall Band to bee made and subscribed by his Majesties Subjects, of all ranks, for two causes: One was, for defending the true Religion, as it was then reformed, and is expressed in the Confession of Faith, above-written, and a former large Confession established by sundry acts of lawfull General Assemblies, and of Parliament, unto which it hath relation set down in publick Catechismes, and which had beene for many yeares with a blessing from Heaven preached, and professed in this Kirk and kingdom, as GODS undoubted Truth, grounded onely upon his written Word. The other cause was, for maintaining the Kings Majestie, his Person, and Estate, the true worship of GOD,

and the Kings authority being ſo ſtraitly joyned, as that they had the ſame friends, and common enemies, and did ſtand and fall together. And finally, being convinced in our minds, and confeſſing with our mouths that the preſent and ſucceeding generations in this Land, are bound to keep the foreſaid Nationall Oath and Subſcription inviolable, Wee Noblemen, Barons, Gentlemen, Burgeſſes, Miniſters, and Commons under-ſcribing, conſidering divers times before, and eſpecially at this time, the danger of the true reformed Religion, of the Kings honour, and of the publick peace of the Kingdome, by the manifold innovations and evils generally contained, and particularly mentioned in our late ſupplications, complaints, and proteſtations, doe hereby profeſſe, and before GOD, his Angels, and the world, ſolemnly declare, that with our whole hearts wee agree and reſolve all the dayes of our life conſtantly to adhere unto, & to defend the foreſaid true religion, and (forbearing the practiſe of all novations, already introduced in the matters of the worſhip of GOD, or approbation of the corruptions of the publick government of the Kirk or civill places and power of Kirkmen, till they be tryed and allowed in free aſſemblies, and in Parliaments) to labour by all meanes lawfull to recover the purity and liberty of the Goſpel, as it was eſtabliſhed and profeſſed before the foreſaid novations: And becauſe after due examination, wee plainely perceive, and undoubtedly beleeve, that the innovations and evills contained in our Supplications, Complaints, and Proteſtations have no warrant of the word of GOD, are contrary to the articles of the foreſaid Confeſſions, to the intention and meaning of the bleſſed reformers of Religion in this Land, to the above-written acts of Parliament, and doe ſenſibly tend to the re-eſtabliſhing of the Popiſh religion and tyranny, and to the ſubverſion and ruine of the true reformed religion, and of our liberties, lawes and eſtates, Wee alſo declare that the foreſaid confeſſions are to be interpreted, and ought to be underſtood of the foreſaid novations and evills no leſſe than if every one of them had been expreſſed in the foreſaid confeſſions, and that wee are obliged to deteſt and abhorre them amongſt other particular heads of Papiſtry abjured therein. And therefore from the knowledge and conſciences of our duty to GOD, to our King and Countrey, without any worldly reſpect or inducement, ſo farre as humane infirmity will ſuffer, wiſhing a further meaſure of the grace of GOD for this effect; Wee promiſe, and ſweare by the *Great Name of the Lord our GOD*, to continue in the Profeſſion and obedience of the foreſaid Religion, That wee ſhall defend the ſame and reſiſt all theſe contrary errours and corruptions, according to our vocation, and to the uttermoſt of that power that GOD hath put in our hands, all the dayes of our life. And in like manner with the ſame heart, wee declare before GOD and Men, that wee have no intention nor deſire to attempt any thing that may turn to the diſhonour of GOD, or to the diminution of the Kings greatneſſe and authority: But on the contrary, wee promiſe and ſweare, that wee ſhall, to the uttermoſt of our power, with our meanes and lives, ſtand to the defence of our dread Soveraigne the Kings Majeſtie, his Perſon, and Authority, in the defence and preſervation of the foreſaid true Religion, Liberties and Lawes of the

King-

Kingdome: As alſo to the mutuall defence and aſſiſtance, every one of us of another, in the ſame cauſe of maintaining the true Religion, and his Majeſties authority, with our beſt counſell, our bodies, meanes, and whole power againſt all ſorts of perſons whatſoever; So that whatſoever ſhall be done to the leaſt of us for that cauſe, ſhall be taken as done to us all in generall, and to every one of us in particular. And that wee ſhall neither directly nor indirectly ſuffer our ſelves to be divided or withdrawn by whatſoever ſuggeſtion, allurement, or terrour from this bleſſed and loyall Conjunction, nor ſhall caſt in any let or impediment, that may ſtay or hinder any ſuch reſolution as by common conſent ſhall be found to conduce for ſo good ends. But on the contrary, ſhall by all lawfull meanes labour to further and promove the ſame. And if any ſuch dangerous and diviſive motion be made to us by word or writ, wee, and every one of us, ſhall either ſuppreſſe it, or, if need bee, ſhall incontinent make the ſame known, that it may be timouſly obviated. Neither doe wee fear the foul aſperſions of rebellion, combination, or what elſe our adverſaries from their craft and malice would put upon us, ſeeing what wee doe is ſo well warranted, and ariſeth from an unfained deſire to maintain the true worſhip of God, the Majeſty of our King, and peace of the Kingdome, for the common happineſſe of our ſelves, and the poſterity. And becauſe wee cannot look for a bleſſing from God upon our proceedings, except with our profeſſion and ſubſcription wee joyne ſuch a life and converſation as beſeemeth Chriſtians, who have renewed their Covenant with God; Wee therefore faithfully promiſe, for our ſelves, our followers, and all others under us, both in publike, in our particular families, and perſonall carriage, to endeavour to keepe our ſelves within the bounds of Chriſtian libertie, and to be good examples to others of all Godlineſſe, Soberneſſe, and Righteouſneſſe, and of every duty wee owe to God and Man. And that this our Union and Conjunction may bee obſerved without violation, Wee call the living GOD, the Searcher of our Hearts, to witneſſe, who knoweth this to be our ſincere Deſire, and unfained Reſolution, as wee ſhall anſwer to JESUS CHRIST, in the great Day, and under the pain of GODS everlaſting wrath, and of infamie, and loſſe of all honour and reſpect in this World, Moſt humbly beſeeching the Lord, to ſtrengthen us by his holy Spirit for this end, and to bleſſe our deſires and proceedings with a happy ſucceſſe, that Religion and Righteouſneſſe may flouriſh in the Land, to the glory of GOD, the honour of our King, and peace and comfort of us all. In witneſſe whereof wee have ſubſcribed with our hands all the premiſſes.

The article of this Covenant, which was at the firſt ſubſcription referred to the determination of the Generall Aſſembly being determined, And thereby the Five articles of Perth, *The governement of the Kirk by Biſhops, The civill places and power of Kirkmen upon the reaſons and grounds contained in the Acts of the Generall Aſſembly declared to be unlawfull within this Kirk, Wee ſubſcribe according to the determination foreſaid.*

ACT

ACT VI

ACT RESCISSORIE.

THE Eſtates of Parliament preſently conveened by his Majeſties ſpecial authority, Conſidering that the office of Biſhops and Archbiſhops, and all other prelates, the civil places and power of Kirkmen, as their voycing and ryding in Parliament, are condemned by the Aſſemblies of this Kirk, And conſidering the ſeverall acts and complaints of this Kirk unto Parliaments from time to time againſt any perſons, eſpecially of prelates their attempting to vote or doe any thing in name of the Kirk, without either bearing Office in the Kirk, or having Commiſſion from the Kirk, with her frequent ſupplications to the Parliament, for diſſolving of all prelacies; Conſidering alſo the petition of the Commiſſioners of the late General Aſſembly, humbly craving the reſciſſion of all Acts of Parliament, which grants to the Kirk or Kirkmen, of whatſoever ſort allowed or diſallowed, as repreſenting her, or in her name, the priviledge of ryding & voting in parliament, as prejudicial to her liberties, and incompatible with her ſpirituall nature, declares that the ſole & onely power and juriſdiction within this Kirk, ſtands in the Kirk of God as it is now reformed, and in the General, Provincial, Presbyterial Aſſemblies, with the Seſſions of the Kirk, eſtabliſhed by act of Parliament in June 1592. *cap.* 1140. which act the ſaids Eſtates now conveened by his Majeſties ſpeciall indiction, warrant and authority, revives and renewes in the whole heads, points, and articles thereof (with this expreſſe declaration, that according to the laſt clauſe in the Act of the late Generall Aſſembly of the 17. of Auguſt, the neceſſitie of occaſional Aſſemblies be firſt remonſtrate to his Majeſtie by humble ſupplication) to ſtand in full ſtrength as a perpetuall law in all time comming, notwithſtanding of whatſoever acts & ſtatutes made in the contrair thereof, in whole or in part, which the Eſtates conveened, as ſaid is, caſſes and annuls in all time comming, and declares, that it is and ſhall be lawfull to the Presbyteries of this Kirk, to exact and receive from ſubjects of all qualities, their Oath of the Confeſſion of Faith and Covenant, with the Subſcription thereof, to examine Pedagogues of the ſons of Noblemen, paſſing out of the Countrey, to give them Teſtimonials, according to former Acts of Parliament, to give and direct admonitions, private or publick, to perſons joyned in marriage for adherence, to deſigne manſe and gleibs to miniſters, to appoint ſtent-maſters for reparation of Kirks and Kirkyards, and for maintenance of the Maſters of Schooles, and to ſtent the parochioners, conforme to the Act of parliament, to admit Miniſters upon the preſentations from the lawfull Patrons, or *Jure devoluto*, which ſhall happen hereafter. Or unto Kirks which fall not under patronages ſuchlike and as freely as they did or might have done off before. And to doe all and whatſoever things which before pertained to Presbyteries, and were uſurped by the prelates, And that notwithſtanding of whatſoever acts or ſtatutes made in the contrair in favours of Biſhops, Archbiſhops, or other prelates, which the Eſtates autho-

authorized in manner foreſaid, caſſes and annuls. And ſpecially the Eſtates foreſaids caſſes and annuls the 23. Act 1597. anent the Kirk and ſpeciall perſons and prelates voycing in Parliament, and repreſenting the third Eſtate, the 2. Act 1606. anent the reſtitution of the ſtate of Biſhops, and their repreſenting the third eſtate, the 8. Act 1607. anent the Chapter of S. *Andrewes*, the 6. Act. 1609. anent the Commiſſariats and jurisdiction given to Biſhops and Archbiſhops, the firſt Act 1612. anent the ratification of the Acts of the pretended Aſſembly of *Glaſgow*, 1610. the firſt and ſecond Acts 1617. anent the election of Biſhops and reſtitution of Chapters, without prejudice alwaies to the Miniſters, ſerving the cure of any emoluments allowed to them in part of their ſtipend, the firſt Act 1621. anent the ratification of the Articles of the pretended Aſſemby holden at *Perth*. And finally, the Eſtates foreſaid, conveened by authority, reſcindes and annulls all and whatſoever Acts of Parliament, Lawes, and Conſtitutions, in ſo far as they derogate, and are prejudiciall to the ſpirituall nature, juriſdiction, diſcipline, and priviledges of this Kirk, or of her Generall, Provinciall, Presbyteriall Aſſemblies, and Kirk-ſeſſions, and ſo far as they are conceived in favours of Archbiſhops, Biſhops, Abbots, Priors, and others, Prelates or Kirkmen whatſoever, their dignity, title, power, juriſdiction and eſtate in this Kirk and Kingdome, or in favours of the civill places and power of Kirkmen, of whatſoever ſort allowed or diſ-allowed, for their riding, ſitting, and voycing in Parliament, either as Kirkmen, or the clergy, or in name of the Kirk, or as repreſenting the Kirk, either in regard of their Eccleſiaſtick titles, offices, places, and dignities, or in regard of the temporality or ſpiritnality of their Eccleſiaſtick benefices, or other pretext whatſoever, with all acts and conſtitutions of convention, counſell, or ſeſſion, or other Judicatory whatſoever, and all practiſes and cuſtomes whatſoever, introduced in favours of the ſaids offices, titles, benefices, or perſons provided thereto; And declares all perſons civill or eccleſiaſticall, cenſured, deprived, confined, or baniſhed, by vertue of whatſoever acts, decreets, or ſentences, given and pronounced by the ſaids Archbiſhops and Biſhops, or others their colleagues and aſſociats in their Eccleſiaſticall courts, holden by vertue of the acts foreſaids, or any of them, or by vertue of the pretended high Commiſſion, and all acts interponed thereto, againſt the perſons foreſaids, for not obedience of the foreſaids Acts, or any of them which are now repealed, as ſaid is, or for not acknowledging their ſaids courts, or for their pretended contumacy, and not compearance to anſwer before them, To be null, and of none avail, force, nor effect, and the foreſaids perſons to be reſtored and reponed againſt the ſame, ſuch like as if the ſamine had never been given nor pronounced.

ACT

ACT VII

ACT FOR PLANTING OF KIRKES Unprovided with Miniſters through the Patrons default.

THE Eſtates of Parliament preſently conveened by his Majeſties ſpeciall authority, Conſidering the lamentable condition of a great number of Congregations, lying deſtitute of Miniſters, ſince the aſſembly at *Edinburgh*, and before, by the negligence of Patrons and others, having intereſt, to the great prejudice of the Goſpel, Therefore do require the Presbyteries, with conſent of the Parochins, with all diligence to plant theſe vacant Kirks, which by the overſight of any Patrons whatſoever, have lyen ſix moneths unprovided. And ordain the Lords of Seſſion to give forth ſentences and letters in the ordinary forme, for payment of the former ſtipends of theſe Kirks, to ſuch as the Presbyteries ſhall admit, or have already admitted to the office and cure of the miniſtery in theſe Kirks, with conſent of the Parochins, as ſaid is, while the ſamine former ſtipends of theſe Kirks be changed by the Lawes of the Countrey. And it is alwaies declared, that this admiſſion, ſtanding good for the preſent intrants their time, is and ſhalbe without prejudice to the right of patronage belonging to his Majeſty, or to any other Kirk-patron whatſoever whenſoever their Kirks ſhall fall to vaike.

ACT VIII.

ACT ANENT ADMISSION OF Miniſters to Kirks which belonged to Biſhopricks.

THE Eſtates of Parliament preſently conveened by his Majeſties ſpeciall authority, Conſidering that the right of patronage and power of preſenting of Miniſters to divers Kirks within this Realme, have been acclaimed and poſſeſſed by the ſometime pretended Biſhops and Archbiſhops within this Kingdome, by vertue of the 2. Act of Parliament 1606. anent the reſtitution of the eſtate of Biſhops, or by ſome other right, or pretence of right, to the very great grief and prejudice of this Kirk, her juſt liberty and poſſeſſion ſince the Reformation, by Superintendents, and the Commiſſioners of the Kirk before the erection of Presbyteries. And ſince by Presbyteries themſelves, who have been *reſpective* in poſſeſſion, for providing and planting of all Kirks within this Kingdome, belonging to the Biſhopricks, And that even ſince their annexation 1587. upon the ſute and calling of the Congregations and Paroches, where the Miniſters were to ſerve in the function of the Miniſterie, which is moſt

moſt evident by the 7. act of the 1. Parliament of our deareſt father, in the yeare 1567. and by the aſſignation to Miniſters of ſtipends, out of the thirds of benefices, and letters of horning conſtantly uſed to bee direct by deliverance of the Lords of Seſſion upon the proviſions and admiſſions of Miniſters to the ſaids ſtipends out of the thirds of benefices by Superintendents, Commiſſioners of the Kirk and Presbyteries *reſpectivè* without any preſentation at all, both before and ſince the act of annexation 1587. whereby the Miniſters ſo provided and admitted did brook and enjoy the fruits and rents aſſigned, and their ſtipends during their life time, and many of them yet living doe ſtill brook and enjoy the ſame. And ſuchlike, the foreſaid priviledge and the right of the Kirk is evident by divers Acts of her Generall Aſſemblies made thereanent, and by her frequent grievances againſt the uſurpation of Prelats and others, upon her ſaid right and poſſeſſion, and eſpecially by her proteſtation againſt the foreſaid two Acts of Parliament of King *Iames* the 6. his Majeſties Umwhile deareſt father, holden in the yeare 1606. whereby the Prelats pretended right of patronages, and advocations of Kirks, and defrauded the Kirk thereof. And now ſeeing the ſaid Act of that Parliament in the yeare 1606. is reſcinded, caſſed, and annulled in this preſent Parliament, and it is moſt reaſonable, that the Kirk be reſtored now after the abolition of the Eſtate of Biſhops, to the wonted rights, priviledges and liberties which ſhe had, and was in poſſeſſion of before the reſtitution of Biſhops; Therefore the ſaids Eſtates of Parliament conveened, as ſaid is, decernes, ſtatutes and ordaines, that according to the ſaid 7. Act of the firſt Parliament of the Kings Majeſties Umwhile deareſt father, the full power of providing of all Miniſters to Kirks, which the ſaids pretended Biſhops have been in uſe to provide, ſince the ſaid Act of their reſtitution 1606. ſhall hereafter belong and appertaine to the Kirk: and that in all time coming, Presbyteries (who are now in place of Superintendents and Commiſsioners of the Kirk) within their ſeverall juriſdictions, ſhall provide and admit Miniſters to all theſe vacand Kirks, which before were acclaimed by the foreſaids Biſhops, by the ſaid Act of reſtitution 1606. to the fruits and ſtipends thereof, but prejudice alwayes to any patronages of Kirks, which belong either to the Kings Majeſty, or to any Laick patron, or to any Nobleman, Baron, or Burgeſſe right and poſſeſsion before theſe late troubles, and but prejudice of the intereſt of the paroches, according to the Acts and practiſe of the Kirk ſince the Reformation: And declares that the ſaid proviſion and admiſsion with collation and inſtitution following thereupon, ſhall be a ſufficient right and title for the Intrant to poſſeſſe and enjoy the whole fruits, rents and ſtipends whatſoever belonging to the Kirk, and to the Miniſters ſerving the cure thereat. And ordaines the Lords of Seſsion, and all other Judges competent, to give out decreets and ſentences, letters conforme, horning, and inhibition, and all other executorialls upon the ſaid proviſion and admiſsion of Miniſters by Presbyteries, collation and inſtitution following thereupon, ſuchlike as they are in uſe to doe upon collation and inſtitution, following upon preſentations from lawfull patrons.

ACT

ACT IX.

ACT DISCHARGING THE GOING OF Salt-pans and Mylnes upon the Sabbath day.

FOrſamekle as the Eſtates of Parliament preſently conveened by His Majeſties ſpeciall authority, Conſidering that GODS publick worſhip upon the Sabbath day is hindered, and the Sabbath day prophaned by the going of Mylnes and Salt-pans upon the Sunday; For remeed hereof, the Eſtates of Parliament preſently conveened by his Majeſties ſpeciall authority, diſcharges and prohibites all Salt-pans and Mylnes within this Kingdom, from all going, grinding, making of Salt, or any wayes working upon the Sunday in any time hereafter: And ordaines the Salters, Millers, and other ſervants in the ſaids Mylnes and Salt-pans, to attend GODS publick worſhip every Sunday hereafter, under the paines and cenſures contained in the Acts of the Aſſembly, or other Kirk-Acts ſet down hereanent. To the which Acts, the ſaids Eſtates of Parliament interpones the civil ſanction and authority of Parliament for the better execution thereof.

ACT X.

ACT DISCHARGING SALMOND-fiſhing on Sunday.

THe Eſtates of Parliament preſently conveened by his Majeſties ſpeciall authority, Conſidering the great abuſe and prophanation of the Sabbath day, occaſioned by the fiſhing of Salmond upon that day, whereby many people are with-holden from divine exerciſe, & are imployed in the ordinary works of their calling, or other wayes have opportunity to miſ-ſpend their time in unlawfull actions, contrary to the Law of GOD, and Acts of this reformed Kirk: Therefore, for remeed thereof in all time comming, inhibites and diſcharges all manner of Salmond-fiſhing upon the Sabbath day, under the paine to the contraveeners, to be puniſhed as breakers of the Sabbath day, by the confiſcation of the nets and fiſh to the behoofe of the poore.

ACT

ACT XI.

ACT AGAINST PAPISTS.

THE Eſtates of Parliament now preſently conveened by his Majeſties ſpeciall authority, ratifies and approves all and whatſoever acts and ſtatutes of Parliament, Convention, or Secret Councell, made againſt Papiſts, againſt ſayers and hearers of Maſſe, and againſt Jeſuits, Seminary Prieſts, and againſt excommunicate perſons for papiſtry, or for reſetting of Jeſuits and excommunicate Papiſts, and againſt the reſetters of the foreſaids perſons, or any of them, in the whole heads and articles thereof; And ſpecially but prejudice of the generality foreſaid, ratifies and approves the Act of Parliament made by his Majeſties Father of bleſſed memory, *Parl.* 13. *cap.* 164. and *Parl.* 14. *cap.* 193. 194. and the Act made *Parl.* 20. *cap.* 5. in the whole heads and articles thereof; And declares, that witting and wilfull reſetting of the perſons foreſaids, ſhall be underſtood to be committed by theſe, who (after lawful intimation to be made at the head Burgh of the Shire where they dwell and make their reſidence for the moſt part, and at the market Croſſe of Edinburgh, of the names of the Jeſuits, Seminary Prieſts, and excommunicate perſons for the cauſes foreſaid) reſets the perſons foreſaids by the ſpace of three nights together, or three nights at ſeveral times (which is the manner of intimation preſcribed by the ſaid 13. *Parl. cap.* 164. and by the ſaid *Parl.* 20. *cap.* 59. and that the perſons reſetters in manner foreſaid, ſhall be lyable to the paine and puniſhment contained in the ſaid Acts, without farther verifying of their notice and knowledge except the intimation foreſaid. And alſo declares, that the ſaids Acts of Parliament ratified, as ſaid is, ſhall comprehend not onely men, but women of all quality, and that they and their reſetters ſhall be lyable to the paines therein contained. And ſuch like, the Eſtates ratifies and approves the act of Parliament made by his Majeſties Father, *Parl.* 16. *Cap.* 17. intituled *Act anent non-Communicants*, and ordaines every perſon non-communicant, to be lyable to the paines therein contained. And wills and ordaines all Miniſters within their Parochins, and all Presbyters within their Presbyteries to take tryall and cognition of the premiſſes, and that as fully as the Biſhops or Archbiſhops might have done by the foreſaids acts or any of them; And abrogates the ſaids acts in ſo far as any power is thereby granted to the ſaid Archbiſhops and Biſhops anent the premiſſes.

ACT.

ACT XII.

ACT DISCHARGING THE ZULE VACANCE, and appointing the Seſſion to ſit downe the firſt of *November*, and riſe the laſt of *February*; and thereafter to ſit downe the firſt of *June*, and riſe the laſt of *July* yearely.

THE Eſtates of Parliament preſently conveened by his Majeſties ſpeciall authoritie, Uuderſtanding that the Kirke within this Kingdome, is now purged of all ſuperſtitious obſervation of dayes; And herewith alſo conſidering that the keeping of the Zule vacance hath not only relation to that ſuperſtition, and may ſerve to keep the ſamine in memory, but alſo that the keeping of the ſaid Zule vacance, hath interrupted the courſe of Juſtice in this Kingdome, to the hinderance & heavie prejudice of the lieges therof. Therefore the ſaids eſtates have diſcharged, and ſimply diſcharges the foreſaid Zule vacance, and all obſervation thereof in time comming, and reſcindes and annulls all acts, ſtatutes, warrants and ordinances whatſoever, granted at any time heretofore, for keeping of the ſaid Zule vacance, with all cuſtome of obſervation thereof, And findes and declares the ſamine to be extinct, voyde, and of no force nor effect in time comming. And ordaines the Court and Seſſion of the Colledge of Juſtice, and Senatours and members thereof, to conveene and ſit for the adminiſtration of Juſtice, without any interruption by the foreſaid Zule vacance, from the firſt day of *November* to the laſt day of *February* thereafter *incluſive* yearely. And ordaines the ſaids Senatours and remanent members of the Colledge of Juſtice, to riſe the ſaid laſt day of *February*, and to conveene, and ſit downe againe for adminiſtration of Juſtice to the Lieges, the firſt day of *June* yearly, and to riſe the laſt day of *July* next thereafter *incluſive*. And alſo ordaines the whole remanent Judges of inferiour Courts within the Kingdome, to proceed in the adminiſtration of Juſtice within their ſeverall juriſdictions, without any reſpect to the ſaid Zule vacance, and without any interruption or vacation by the ſame Zule vacance, notwithſtanding of any by-gone cuſtome of obſervation of the ſaid Zule vacance, ſeeing the ſamine is now diſcharged in manner foreſaid.

ACT

ACT XIII.

ACT DISCHARGING THE MUNDAY Market in Edinburgh, Jedburgh, Drumfreis, Brechin, and Glaſgow.

Orſameekle as the Eſtates of Parliament preſently conveened by his Majeſties ſpeciall authority, are informed and underſtand, that travelling upon the Sunday, and the prophanation of that day is greatly occaſioned by the Markets holden weekly upon the Munday in Edinburgh, Jedburgh, Drumfreis, Brechin, and Glaſgow, and that the Leiges reſorting from the Countrey to the ſaids Markets upon the Munday, are diſtracted from Gods publick worſhip and ſervice upon the Sunday, and are conſtrained to travell all the Sunday, for keeping of the Munday Markets *reſpective* foreſaids; For remeed whereof, the ſaids Eſtates of Parliament have diſcharged, and ſimply diſcharges all Markets upon Munday, to be any wayes keeped in the Burghs of Jedburgh, Drumfreis, and Brechin in time comming: And appoints, changes and ordaines the ſamine Markets, which were in time by-gone keeped and holden weekly upon the Munday in the ſaids Burghs of Jedburgh, Drumfreis, and Brechin, to be hereafter keeped and holden in Jedburgh weekly upon Tueſday, and in Drumfreis and Brechin weekly upon Wedneſday. And alſo the ſaids Eſtates of Parliament foreſaids, diſcharges all Markets within the Burgh of Glaſgow, to be keeped or holden hereafter upon the Munday, or ſelling, buying, and making Market of Horſes, and other quick beſtiall, Meale brought to Glaſgow Market upon Munday from Burrows-townes, as Stirling, Falkirk, and other remote places, where men may not come from their owne houſes in the morning to the houre of the Market with their ſaids Commodities. *Item*, the Beere-Market, and all craftſ-mens work brought to be ſold in Market, aſwel by free as unfree perſons. *Item*, all Market for Salt, brought from the Salt-pans upon Forth, the Market for ſalt Butter, keeping Cheeſe, and Timber of all ſorts, which is brought up the river of Clide to the town of Glaſgow, And ordains and appoints the Market for the particular goods foreſaids, to be keeped hereafter weekly within the Burgh of Glaſgow upon the Wedneſday. And in like manner, the ſaids Eſtates of Parliament, diſcharges all Market to be keeped and holden hereafter within the Burgh of Edinburgh upon the Munday, for Wool, Butter, Cheeſe, Skinnes, Hides, Shoone.

And generally diſcharges all markets in Edinburgh upon Munday of all unfree-mens work, brought in to bee ſold in Edinburgh upon

the Munday in any time hereafter, but ordaines and appoints the market of theſe goods and marchandiſe particularly and generally before rehearſed, to bee kept and holden weekly upon the Wedneſday within the ſaid Burgh of Edinburgh in time comming, in the ſame manner, and as freely in all reſpects, as the market thereof hath beene kept on the Munday in times bygone. And therefore ordaines the Leiges to keep and attend the ſaids market dayes *reſpective* before rehearſed, as the ſamine are now appointed to bee kept within the Burghs of Edinburgh, Glaſgow, Jedburgh, Drumfreis, and Brechin, and to reſort and repaire thereto weekly as they ſhall have occaſion, ſuchlike and in the ſame manner as they were in uſe to repaire to the Munday markets within the ſaids Burghes before the diſcharging thereof: And alſo ordains the Magiſtrates of the ſaids Burghes, to ſee the markets kept and holden in their ſaids Burghs, upon the dayes hereby appointed, and that no markets bee kept upon the Mundayes for the goods hereby diſcharged in time coming. And laſt, the ſaids Eſtates of Parliament diſcharges and prohibits all markets and tryſts to be kept hereafter upon Sunday throughout all this kingdome, and diſcharges all the Lieges from all keeping thereof upon Sunday hereafter, and ordaines this Act to ſtand in full force as a law while the next aſſembly, that the inconveniences redounding hereby to the Lieges, being repreſented to that Aſſembly, the Aſſembly may conſider thereof, and as they finde the ſame ſufficient, they may ſupplicate the next enſuing Parliament, to reſcind this Act in whole, or in part, as after triall it ſhall be found hurtful to the Lieges.

ACT XIV.

ACT FOR TAKING ORDER WITH THE Abuſes committed on the Sunday by the confluence of people for hyring of ſhearers on Sunday.

FOrſamekle as the prophanation of the Sunday is greatly occaſioned in the time of harveſt by the great confluence of people to publick places; as ports, or ſtreets of townes, and paroch Kirkes of Landward everie Sunday, from morning to preaching time, for hyring ſhearers the week following, whereof there ariſeth alſo ſundry tumults, diſorders, ſwearing, drinking, and often fighting, on the Sabbath day; For remeed hereof the Eſtates of Parliament preſently conveened by his Majeſties ſpecial authority refers and remits the ſamine to be taken order with, to the Juſtices of peace, and Kirk Seſſions, where the abuſe ſhall be committed hereafter by the couſluence of the ſaid people and hyring of the ſaids ſhearers upon the Sunday, as ſaid is, as the ſaids Juſtices of peace and Kirk Seſſions ſhall find the ſaids abuſes then to be committed, to deſerve.

ACT

ACT XV.

FOR DIRECTING LETTERS OF HORNING And Caption by the Lords of Session against the excommunicate Prelates, and all other excommunicate persons.

THe Estates of Parliament conveened by his Majesties speciall authoritie, Considering the necessitie of reviving and putting in execution the 53. Act of the third Parliament of King *Iames* the sixth, Anent Letters of horning and caption to follow upon excommunication of the Kirk after fourtie daies, Renews and revives the said Act of Parliament, and ordaines the Lords of Session to grant Letters and other Executorials against the excommunicate Prelates, and all other excommunicate persons.

ACT XVI.

ANENT THE LARGE DECLARATION, Or, *MANIFESTO.*

THe Estates of Parliament conveened by his Majesties speciall Authoritie, Considering that the supplication of the late generall Assembly to his Majesties Commissioner, against a book called, *A large Declaration*, as followeth, was presented unto Us by the Commissioners of the Kirk, and recommended to his Majesties Commissioner, for obtaining from his Majesties Justice and Goodnesse the desire thereof: And as the said Book was examined by the appointment of the Assembly, and found to be dishonourable to God and his true Religion, to this Kirk and Kingdome, to the Kings Majesty, and to the Marques of Hammiltoun then his Majesties Commissioner, and divers others persons therein, and to be full of lies, in averring known untruths, in wilfull concealing and perverting many truths, in wresting of intentions, words, and actions, as is particularly contained in the censure of the book, registrate in the Registers of Assembly: So they having re-examined the same, declares their judgement to be the same there-anent: And therefore ordaines the Authours and Spreaders thereof to bee most severely punished according to the Lawes of this Kingdome, against liesing-makers betwixt the Kings Majesty and his Subjects, slanderers of the King and Kingdome, and raisers of sedition and discord betwixt them, that all others may be deterred from such dangerous courses, Gods honour may be vindicate, the innocencie of this Kirk and Kingdome, and his Majesties Justice and goodnesse may appeare, not onely in censuring such Malefactors, but in discouraging all such underminers of his Majesties Throne, and abusers of his Royall Name, by prefixing the same to such scandalous and dishonourable Treatises.

ACT XVII.

STATUTARIE APPOINTING PARLIAments to be holden once every three yeare.

THe Eſtates of Parliament preſently conveened by his Majeſties ſpeciall Authoritie; Conſidering that by reaſon of his Majeſties ordinary reſidence forth of this his ancient and native Kingdome, the grievances and complaints of his good Subjects cannot have ſo free and eaſie acceſſe to his Majeſties eares, as the ſame may be conveniently repreſented to his Majeſties Commiſſioners, and the Eſtates of Parliament from time to time, and how neceſſary it is that frequent Parliaments be keeped within this Kingdome for preſervation of the puritie of the true Religion now by Gods providence eſtabliſhed within the ſame, and for the equall and impartiall adminiſtration of Juſtice to all his Majeſties Subjects, and maintaining of peace and concord amongſt them, by applying of the true and lawfull remedies to their grievances and complaints, and timous ſuppreſſing of all abuſes and corruptions, which otherwayes from ſmall beginnings will grow to great diſorders, (which frequent Parliaments were continually obſerved in this Kingdome before his Majeſties Father, of happie memorie, went into *England*;) Have ſtatute and ordained that every three yeare, once at leaſt a full and free Parliament ſhall be holden (and oftner as his Majeſtie ſhall be pleaſed to call them) within the bounds of this Kingdome, in the moſt commodious place and convenient time to be thought upon, appointed and affixed by his Majeſtie or his Commiſſioner for the time, and the Eſtates of Parliament, before the ending and cloſing of every Parliament, and to be the laſt Act thereof. And the whole Eſtates wiſheth, that as it was their happineſſe to have his Majeſties preſence at all Parliaments, while the King had his reſidence in this Kingdome, ſo that his Majeſtie would be pleaſed to be preſent at each Parliament, and they humbly ſupplicate his Majeſtie for that effect.

ACT XVIII.

ANENT THE KEEPERS OF THE CASTLES Of *Edinburgh*, *Striveling*, and *Dumbartane*.

THe Eſtates of Parliament preſently conveened by his Majeſties ſpeciall Authority; Conſidering that the commandement of the Caſtle of *Edinburgh*, wherein the moſt part of the publike Regiſters and Records, and the Honours of the Kingdome are keeped; and ſiclike the commandement of the Caſtle of *Striviling* and *Dumbartane*, being a charge of great weight and importance, concerning as well the Kings Majeſties honour and ſafetie, as the ſecuritie and ſafetie of this whole Kingdome, ought not to be committed but to ſuch perſons, as are knowne and approved by the whole courſe of their life, to be true and faithfull Subjects

Subjects to his Majesty, and trustie and well affected Countrey-men, loving, and tendering the peace, prosperitie, and good of this whole Kingdome, and the preservation and advancement of the true reformed Religion, now therein by Gods providence established and professed, and intertaining of Unitie betwixt the King and his good Subjects: Have therefore statute and ordained, and hereby statutes and ordains that the custody and keeping of the saids Castles shall be only intrusted to such persons as are natives, borne and bred within this Kingdome, known and esteemed to be of the qualitie foresaid, without exception, and who before their entrie and admission to whatsoever charge, place, or service within the said Castles, or any of them, either as Captaines, Constables, Commanders, Souldiers, or Servants within the same, shall be bound and oblisht by a solemne oath to be given and made by them, and every one of them, to make faith that they shall faithfully employ whatsoever power, charge, or service committed, or that shall be committed to them within the saids Castles, or any of them, so far as they can, or in them lyes, to the Kings Majesties honour and safetie, to the peace, safetie, good, and prosperitie of this Kingdome, and common-wealth, and to the preservation and advancement of the true reformed Religion therein presently established and professed, as they will answere to God: Like as incase it shall happen any of the persons foresaids, to doe or attempt any thing contrarie to the premisses, or any part thereof; It is statute and declared that they shall be punished with all rigour, as Traitours and common enemies to the King and Countrey: And farther, That the Captaines and Commanders of the saids Castles, shall be chosen by his Majestie from time to time by advice of the Estates of Parliament, and that such as shall happen to be placed therein betwixt Parliaments, shall be first tryed and found by his Majesties Councell to be of the qualitie above-expreſt, and shall have the charge thereof only, to the next ensuing Parliament, by the which they shall of new be tryed and allowed, or otherwise his Majestie shall place others therein by the advice of the Estates, as said is: Alwayes without prejudice of the Earle of *Mar* his heritable right of the keeping of the Castle of *Striviling*.

ACT XIX.

ANENT PRODUCTION OF THE REGISters and Records of Parliament to the first Session of each Parliament.

THe Estates of Parliament now presently conveened by his Majesties speciall Authoritie, Considering that for the better clearing and resolving of all doubts and difficulties, which may arise in Parliaments, anent such matters as shall be brought in before them, It is very necessar that they have inspection of the Books, Registers, and Records of Parliaments, as they shall have occasion to make use thereof; Have statute and ordained that in all times comming the Clerke of Register and his Deputes, and such others, who for the time shall happen to have the charge, keeping, or power of any of the saids Registers or Records, shall be holden to exhibite

hibite and produce the ſame, as they ſhall be required by the Eſtates in time of Parliament, that they may have the uſe and inſpection thereof upon all occaſions, as they ſhall thinke expedient for clearing of whatſoever difficulties: And ſiclike that the Clerk of Regiſter, or ſome having power from him, and intruſted with the keeping of the Regiſters, ſhall be preſent at all times, and ſhall be ready to give extracts to the Lieges in their particular affaires, upon their reaſonable charges, and expenſes, and both theſe under the paine of deprivation of the party contraveening any of the ſaids members of the Acts, or to be otherwayes more mildely or ſeverely puniſhed, as the Parliament ſhall finde the fault to demerit.

ACT XX.

DISCHARGING ALL PROXIES TO BE Admitted in Parliament, and that no forraine Noble-man ſhall have place and voice in Parliament, unleſſe they have ten thouſand merkes of land-rent within the Kingdome.

THe Eſtates of Parliament preſently conveened by his Majeſties ſpeciall Authoritie, Conſidering how farre the dignity, honour, and authoritie of the high and ſupreme Court of Parliament, which is the great Councel of this Kingdom, hath been and is yet likely to be farther diminiſhed & weakened by two reaſons, one is, the giving of power of voicing and reaſoning to Proxies and Procurators in abſence of ſuch as are als much tyed to give their perſonall judgement, as their perſonall preſence, and hath all theſe honours, riding, ſitting, reaſoning, and voicing in Parliament, only conferred on them and their Succeſſours perſonally; ſo that it is as abſurd that they ſhould give power to any, to reaſon or voice for them, as to give any power to ride and to ſit in their place of honour, and dignitie: And it might tend to the weakning and utter overthrow of Parliaments: For thus the abſence of the moſt part of the beſt qualified, and experienced might be ſupplied by Proxies granted to a few, and of leſſe abilities. The other is, the granting to ſtrangers, having titles of honour conferred on them without any other intereſt in this Kingdome, power of ſitting, riding, reaſoning, conſulting, and voicing in this Court of Parliament, whereas none ſhould be members of this Court but ſuch as have entereſt by Birth, Bloud, or Inheritance within this Kingdom, and ſo may be ſenſible of the prejudice or advantage following the lawes and conſtitutions thereof: Therefore the ſaids Eſtates ſtatutes & ordains, that hereafter all Noblemen, *viz.* Dukes, Marqueſſes, Earles, Vicounts, and Lords, ſhall give their perſonal preſence in all Parliaments, & ſo being perſonally preſent, reaſon, and adviſe, & voice, and no wayes by proxies or procurators: but diſchargeth any ſuch procurator and commiſſions in all time comming: and that no perſons ſhal hereafter have any place or voice in Parliament, as ſaid is, but ſuch Noblemen before ſpecified; and Commiſſioners from Shyres and Burrows, as have entereſt, either by Birth, Bloud, or by Inheritance within this King-

dome, and that proportional to the honor and dignity they carry, which in the leaſt proportion for every Nobleman muſt be ten thouſand marks by yeare of land rent. And that notwithſtanding any gifts or patents granted, or to be granted to any perſon whatſoever. Such-like the eſtates foreſaid, caſſes and annulls all acts and conſtitutions any wayes derogatory to this preſent Act or any part thereof.

ACT XXI.

ACT DISCHARGING THE GRANTING Of Protections by the Lords of Councell and Exchequer.

FOrſameekle as the Eſtates of Parliament preſently conveened by his Majeſties ſpeciall Authoritie, Conſidering the great prejudice and hurt ſuſtained by his Majeſties Highneſſe lieges, by the frequent granting of Protections and Superſederes, and remembring herewithall, that his Highneſſe Umwhile deareſt Father of worthie memorie, by the 47. Act of his eleventh Parliament, *anno* 1587. intituled, *All Superſederes, as contrair to the furtherance of juſtice, are forbidden*: Of the which Act the tenour followeth. Forſameekle as our Soveraign Lord, and the Eſtates of this preſent Parliament, underſtanding great contempt to be done to his Highneſſe Lawes, and great hurt to his lieges, by paſſing of Licences and Superſederes, which daily uſes to be granted to ſuch as either by themſelves, or other friends, have credit of his Majeſty, they being at his Highnes Horne, either for cauſes of Treaſon, or not ſatisfying of their debts to their creditours, for not obtempering decreets and charges, Therefore our Soveraigne Lord with advice foreſaid, ſtatutes and ordaines, that no ſuch Licences and Superſederes be granted in any time comming. And in caſe any happens to be purchaſed, declares the ſame to be null of the Law, and not admiſſable by any Judge, nor effectuall to the purchaſer in any wayes, And ordaines all Judges within this Realme, to proceed and doe juſtice to all parties, ſuchlike and in the ſame manner, as if the ſaids Superſederes had never been purchaſed nor produced. And alſo by the 13. Act of his 23. Parliament, *in anno* 1621, intituled, *Anent the diſcharging of Protections*: Of the which Act alſo the tenour followes. Our Soveraigne Lord and Eſtates of Parliament underſtanding that there may ſundry Protections be ſought by bankrupts and others, who are adebted in great ſummes of money, whereby the execution due unto the creditours by the Lawes of the Countrey againſt the debter may bee fruſtrate, to the great damage of the creditour. FOR REMEED whereof it is ſtatute and ordained, that hereafter the Lords of Seſſion ſhall grant no Protection from any execution due and competent againſt any man of the Law. And declares, that if any ſhall bee hereafter granted, the granter of the ſame ſhall be ſubject and lyable of the Law for the ſumme from the which hee hath granted Protection.

And

And the ſaids Eſtates of Parliament foreſaid, being carefull that the prejudices and evills incurred and ſuſtained by his Highneſſe Lieges, by the granting of the ſaids Protections, be helped and remeeded, Have therefore renewed, ratified, and approven, and by theſe preſents renewes, ratifies and approves the foreſaids two particular Acts of Parliament above mentioned, in the whole heads and clauſes thereof before rehearſed, conforme to the tenour of the ſamine, which are inſert hereintill *ad longum, ut ſupra.* And ordaines the ſaids Acts, and every one of them to have the ſtrength of a Law, with full force and execution, conform to the tenour thereof in all time comming, with this addition, That the certification of the foreſaid laſt Act made *in anno* 1621. againſt the Lords of Seſſion, ſhall alſo be extended againſt the Lords of Secret Councell and Exchequer; AND THEREFORE the Eſtates of this preſent Parliament ſtatutes and ordaines, that hereafter the Lords of Privie Councell, Seſſion, or Exchequer, ſhall grant no protection from any Execution, due and competent againſt any man of the Law, and declares, that if any ſhall be hereafter granted, the granter of the ſame ſhall bee ſubject and lyable of the Law to the Creditor for the ſumme, from the which he hath granted protection. And ordaines all Sheriffes, Stewarts, Bailiffs of Regalities, Proveſts and Bailiffs of Burrows, and other Officiars of Juſtice in all time comming, to proceed in diſcharge of their duty and execution of the command of our Soveraign Lords Letters, notwithſtanding of any Protection or Superſedere.

ACT XXII.

ACT ANENT THE EXCHEQUER, DECLARING The ſamine to be onely Judges to matters concerning the managing of the Kings Rents and Caſualities.

THE Eſtates of Parliament now preſently conveened by his Majeſties ſpeciall authority, for the explanation of the 18. Act of the late Parliament holden at Edinburgh, in the moneth of *June* 1633. year, intituled, *Anent the Exchequer*, Finds, declares, ſtatutes, and ordaines, that the validity or invalidity of Infeftments of his Highneſſe property, or of any other Infeftments, may not be diſcuſt nor decided in Exchequer, neither by way of Action, Exception, or Reply, but that the diſcuſſing and deciſion thereof, is onely proper to the Lords of Seſſion. It is added, that the Exchequer are onely Judges to matters concerning the managing of the Kings Rents and Caſualities.

ACT

ACT XXIII.

IN FAVOURS OF THESE WHO HELD their lands of Arch-biſhops, Biſhops, or of their Chapters.

THe Eſtates of Parliament preſently conveened by his Majeſties ſpecial Authority; conſidering that the Offices of Arch-biſhops, Biſhops, Archdeanes, Deanes, and others the members of their Chapters are now aboliſhed out of this Kirke and Kingdome: And herewith alſo taking to their conſideration that there is ſundrie Noble-men, Gentle-men, and others within this Realme, who held their lands of the ſaids Archbiſhops, Biſhops, Archdeanes, Deanes, and others, members of Chapters (who are now aboliſhed forth of this Kirke and Kingdome, as ſaid is) for payment of certaine yearely few dueties, and fulfilling of certain clauſes irritant, and performing of other conditions contained in their Infeftments, Takes, and Rights: And who not knowing to whom they ſhall now pay their ſaids dueties, and fulfill the other conditions of their Infeftments and Rights, may be prejudged by incurring of the failzie, and danger of the clauſe irritant of their ſaids Rights for not payment of their few and other dueties therein ſpecified: And by the incurring of the certification contained in the Acts of Parliament ſet downe anent the payment by Vaſſels of their few dueties to their Superiours: The ſaids Eſtates for remeed hereof, and for eſchewing of the prejudice and danger that may come hereby, Findes and declares, that theſe Noble-men, Gentle-men, and others who by their Infeftments, Takes, and Rights, are adebted in payment of few and Take dueties, or obliſht in fulfilling of any other conditions to the ſaids Archbiſhops, Biſhops, Archdeanes, Deanes, or other beneficed perſons, members of their Chapters now aboliſhed, as ſaid is, are not, and ſhall not be *in mora*, for not payment of their ſaids dueties, and not fulfilling of the other conditions of their Rights: And that the clauſe irritant of their Infeftments, Takes, and other Rights ſhall not runne againſt them; Nor yet the certification of the ſaids Acts of Parliament militat againſt them, for not payment of their ſaids dueties, and not fulfilling of the other clauſe of the Rights during the intervall of time, betwixt the firſt day of *April* 1638. yeares, and ſenſyne, and in time coming, while order be taken by the Eſtates of Parliament, anent the way and manner of payment of the foreſaids few and other dueties for the ſayds Noble-men, Gentlemen, and others foreſaids, their ſecurity for the payment thereof, and while the ſame order ſo to be taken by the Eſtates hereanent, be publickly notified to all the Lieges, notwithſtanding of any clauſe irritant, contained in the foreſaids Infeftments and Rights: And notwithſtanding of the certification of the Acts of Parliament ſet downe againſt theſe who payes not their few dueties to their Superiours.

ACT

ACT XXIIII.

ANENT VASSALS OF ERECTIONS, THAT They be not ſubject in double payment, nor the ſuperiours defrauded of their few dueties.

THE Eſtates of Parliament conveened by his Majeſties ſpeciall Authoritie: Conſidering that whereas by the generall ſurrender of Kirke lands and erections, made by the Superiours and Titulars thereof, in favours of the Kings Majeſtie: It is ſpecially provided, that the ſaids Superiours and Titulars notwithſtanding their ſurrender foreſaid, ſhall have right to the Few-fermes, and duties of the Vaſſals and Fewars of the ſaid Kirk lands and erections, till the Kings Majeſty make paiment to them of the prices of the ſaid Few-firmes, and duties modified by the Lords, and others of the Commiſſion for ſurrenders and teinds. And ſiclike the Fewars and Vaſſals of the ſaid Kirk lands and erections, are obliged by their new infeftments under the great Seale, to pay the ſaids Few-fermes and duties to the Kings Majeſtie and His Succeſſours: And ſo are lyable to double payment thereof, without remeed bee provided. It is therefore ſtatute and ordained by the ſaids Eſtates, that the ſaids Fewars and Vaſſals of Kirke lands and erections, their heirs and ſucceſſours, ſhall bee obliged to make thankfull payment of the ſaids Few-fermes, and duties, and ſervices uſed and wont, contained in their Infeftments, and whereof the ſaids Superiours and Titulars have beene in poſſeſſion preceding that ſurrender foreſaid to the ſaids Superiours and Titulars, their heirs and ſucceſſours, aye and while they get payment of the prices modified by the ſaids Lords, and others of the Commiſſion foreſaid: And that Letters of horning and poinding ſhall be granted to that effect, without prejudice alwayes to his Majeſtie and his Succeſſours, of the Superiority of the ſaids Fewars and Vaſſals ſurrendred in manner foreſaid, and without prejudice to them of their infeftments, taken to be holden of his Majeſtie and his ſucceſſours: Like as it is declared, that the ſaids Fewars and Vaſſals of Kirke lands and erections, have beene *in bona fide* in payment of the ſaids Few-fermes and dueties to the ſaids Superiours and Titulars of all termes by-gone, according to the proviſion contained in the ſaid generall ſurrender.

ACT

ACT XXV.

APPOINTING ALL GRIEVANCES TO Be given in plaine Parliament.

THE Eſtates of Parliament preſently conveened by his Majeſties ſpeciall Authority, conſidering that the Act of Parliament made *in Anno* 1594. in the 14. Parliament of King *James* the 6. cap 218. whereby all matters and grievances to be given in to Parliament, are appointed to be given to his Majeſties Clerk of Regiſter, and by him preſented to the Eſtates, Hath bred great hurt, and prejudice to the liberties, and freedome of this Kirke and Kingdome, and Subjects thereof in time bygone, as is evident by experience of the evils that hath flowed therefrom. Therefore, the ſaids Eſtates for remeed hereof, retreats, reſcinds, caſſes, and annuls the foreſaid Act of Parliament, and declares the ſame to be null and of none availe, force, nor effect in all time comming: And ordaines and appoints all grievances, and other matters that are to be handled and treated of in Parliament hereafter, to be given in, and preſented in open and plaine Parliament in all time comming.

ACT XXVI.

FOR SUPPRESSING THE DISTINCTION Of ſpirituall and temporall Lords of Seſſion.

THE Eſtates of Parliament preſently conveened by his Majeſties ſpeciall Authority, caſſes, annulls, and reſcinds that Article of the firſt Act of the fifth Parliament holden by King *James* the fifth, of worthy memory, Anent the inſtitution of the Colledge of Juſtice, bearing, That the Lords of Councell and Seſſion ſhall be choſen halfe ſpirituall, halfe temporall: And decernes and ordaines the whole number to be temporall and none of them ſpirituall: And the foreſaid diſtinction of ſpirituall and temporall to be ſuppreſt and forgotten in all time comming.

ACT XXVII.

ACT AGAINST LIESING-MAKERS OF Whatsoever qualitie, office, place, or dignitie.

THe Estates of Parliament presently conveened by his Majesties speciall Authoritie, Considering the Honour, Dignitie and Authoritie of the supreme Court of Parliament, over the Councell and Session, and all other civill Judicatories of this Kingdome, which have their originall, their power and antiquitie from the Kings Majestie and the Estates of Parliament, is subordinate thereunto, and ought to be countable and censurable by them, for their abusing of their power, to the prejudice of the Countrey: For the weale whereof they were established, according to the twelfth Act of the second Parliament of King *James* 4. wherein the Kings Councell was sworn in presence of the three Estates, to give his Highnesse a true and effauld Counsell, in all matters, concerning his Majestie, and his Realme; And to bee responsall and accusable to the King and his Estates of their Counsell, Considering also, that during his Majesties absence forth of this Kingdome, it is most necessar for the publick peace of this Kingdome, and his Majesties honour, that all mis-informers, raisers, and entertainers of jealousies, suspitions, and divisions betwixt the King, this Kirke and Kingdome, should be severely punished, and especially all bad Counsellers, who in stead of giving his Majestie a true and effauld Counsell, hath given, or will give information and counsell to the evident prejudice and ruine of the liberties of this Kirk and Kingdome, should bee exemplarly judged and censured by the Kings Majestie and the Estates of Parliament. Therefore they renue and revive all Acts of Parliament made against liesing makers, raisers and entertainers of jealousies, contentions, and divisions betwixt the Kings Majestie and this Kirk and Kingdome. And declares that no dignitie, qualitie, place, or office whatsoever shall exeeme these or any person whatsoever from the censure of the said Acts.

ACT.

ACT XXVIII.

ANNVLLING ALL UNLAWFULL AND Unjuſt Proclamations made under the paine of treaſon, againſt the diſobeyers.

FOrſomuch as the Eſtates of Parliament preſently conveened by his Majeſties ſpeciall authoritie, having taken to their conſideration, that there hath been diverſe unjuſt and unlawfull Proclamations made, commanding the obedience of things unjuſt and unlawfull, (tending to the overthrow and prejudice of the lawes and liberties of Kirke and Kingdome) under the paine of treaſon; As alſo declaring the diſobeyers of theſe unlawfull and unjuſt proclamations to be rebels and traitours, which is againſt law, equity, and reaſon, no triall nor declaratour of treaſon having proceeded againſt them of before: Findes and declares all theſe proclamations, with the pretended Acts and warrands for making and proclaiming thereof, to be null and of none availe, force, nor effect, with all that hath followed or may follow thereupon: And therefore the ſaids Eſtates of Parliament caſſes and annulls the foreſaids pretended proclamations, with all the ſaid Acts and warrands whereupon the ſame proceeded: And findes and declares that no perſon nor perſons can be declared traitours, but either by the Parliament it ſelfe, and by Act and Sentence thereof, or then by the lawfull ordinar Judge, after tryall, And finding that the ſaids perſons hath contraveened, a law and Act of Parliament made under the paine of treaſon againſt the diſobeyers and contraveenars thereof.

ACT XXIX.

EXPLAINING THE PRECEDING ACTS Of Parliament made againſt Bands and Conventions amongſt the Subjects, as alſo declaring the Bands and Conventions made and kept ſince the beginning of the preſent troubles, to be legall and lawfull.

TOrſomuch as the Eſtates of Parliament preſently conveened by his Majeſties ſpeciall Authoritie, Conſidering that by the twelfth Act of the tenth Parliament of the Kings Majeſties umwhile deareſt Father, of eternall memory, All Leagues and Bands amongſt the Subjects are diſcharged, and by the 131. Act of the eighth

Parliament of the Kings umwhile deareſt Father, All Councels, Conventions or Aſſemblies without the Kings command or licence, are alſo diſcharged, under the paines ordained by the Acts of Parliament, againſt ſuch as unlawfully convocates the Kings Lieges: And that alſo by ſundry other preceding Statutes and Acts of Parliament made by his Majeſties moſt noble Progenitors, the foreſaid Leagues, Bands, Counſels, Conventions, and Meetings, are likewiſe diſcharged. And herewith alſo the ſaid Eſtates, taking to their conſideration what was the true end and meaning for making of the foreſaid Acts, & how farre the ſame in equitie and reaſon can be extended, findes and declares that the foreſaid Acts and Laws particularly and generally before expreſt, is not, nor cannot bee extended againſt any Bands, Leagues, Counſels, Conventions, Aſſemblies, Committees, or Meetings, made, holden, and kept by the Subjects, for maintenance and preſervation of the Kings Majeſtie, the Religion, Lawes, and Liberties of the Kingdome, or for the publick good, eyther of Kirk or State. But the ſaid Eſtates findes and declares, that all theſe Bands, Conventions, Committees, and other meetings made and keeped by the Eſtates and Subjects of this Kingdome, for the publike good of King, Kirke and State, and intended for the defence and preſervation thereof ſince the beginning of theſe preſent troubles, are not prohibited nor diſcharged by the foreſaids Lawes and Acts of Parliament, particularly and generally before rehearſed, nor none of them. And can no wayes be underſtood, nor interpret to fall within the compaſſe of the diſcharge and prohibition of the foreſaids Acts, and doth no wayes contraveene the ſame, nor none of them. And therefore the ſaids Eſtates ratifies, approves, and allowes all the ſaids Bands, Conventions, Committees, and other Meetings, which are, and have beene made and keeped within this Kingdome, for the defence and preſervation of the Kings Majeſtie, the Religion, Lawes, and Liberties of this Kirke, and Kingdome, ſince the beginning of the preſent troubles thereof. And declares the ſame to bee lawfull and legall deeds, and that they doe no wayes contraveene the foreſaids Acts of Parliament *reſpective* above mentioned, nor none of them, nor no other Law, nor conſtitution of this Kingdome.

ACT XXX.

ANENT THE WARD AND MARRIAGE OF Theſe who ſhall happen to be killed in the defence of the Religion and Liberties of Kirke and Kingdome.

THe Eſtates of Parliament preſently conveened by his Majeſties ſpeciall Authority, Taking to their conſideration the prejudice that may come to theſe Subjects, who holds their lands ward of the Kings Majeſty, or of any other Superiour whatſoever, and ſhall happen to be killed in the defence and maintenance

tenance of the Religion, and of the Laws and Liberties of this Kingdome, during the time of the preſent troubles thereof, hath ſtatute and ordained, and hereby ſtatutes, ordaines, and declares, that the profit and benefit of the ward marriage, none entreſſe, and reliefe falling by the deceaſe of any of theſe who ſhall happen to be killed in manner and for the cauſe foreſaid, with the whole commoditie that can follow upon the ſame, ſhall onely pertaine, and freely be given and diſponed to the heires Relick and Bairnes, of theſe who ſhall happen ſo to be killed as followes, *viz.* Where the Relicke and remanent Bairnes (by the heire) ſhall be found provided by the Defunct, Then in that caſe the whole benefite of the ward marriage, none entreſſe and reliefe ſhall ſolely belong to the heire. But where the Relicke and remanent Bairnes (by the heire) be's not found provided, in that caſe the benefite of the marriage ſhall onely pertaine to the heire, and the profite, commoditie, and benefite of the ward, none entreſſe, and reliefe ſhall be imployed and uſed for the entertainment and maintenance of the Relicke and Bairnes unprovided: And alſo for the entertainment of the heire, if he have no other meanes for maintenance: And what is overplus by the Relicke and Bairnes, their entertainment foreſaid, ordaines the ſame ſuperplus to be imployed for the proviſion of the ſaid remanent Bairnes, by the heire unprovided, as ſaid is. Providing alwayes, that the ſaids heires, and other perſons foreſaids, to whom the benefite of the ſaids ward, marriage, none entreſſe, and reliefe is appointed to pertaine in manner *reſpective* before rehearſed, Be's found not to have ſtudden againſt the maintenance of Religion, lawes and liberties of Kirke and Kingdome, contrair to the late Covenant, ratified in this preſent Parliament: And alſo the ſaids Eſtates findes and declares, that the Kings Majeſtie, and all other Superiours whatſoever of the ſaids ward, holdings, ſhall be altogether ſecluded from the benefite of the foreſaid ward, marriage, none entreſſe, and reliefe falling by deceaſe of their Vaſſals, in manner, and for the cauſe before rehearſed.

ACT XXXI.

RATIFYING THE ACT OF THE LORDS Of Seſſion, made for ſupplying of the abſence of the Signet, and diſcharging the tranſporting thereof, or any other Seale in time comming

THE Eſtates of Parliament preſently conveened by his Majeſties ſpeciall Authority, Ratifies and approves the Act of the Lords of Councell and Seſſion made at Edinburgh the penult day of *March*, 1639. yeares, whereof the tenour followes: The which day the Lords of Councell and Seſſion, being petitioned by ſome of his

Majeſties Lieges, to provide remeed againſt the prejudice ſuſtained by them through the exportation of the Signet out of this Kingdome: And thereupon taking unto their conſideration the many great inconveniences redounding to this Realme, and whole Lieges thereof: And manifeſtly enſuing by the tranſporting of the Signet, not onely from the place of reſidence of the ſaids Lords, but out with the bounds of this Kingdome into *England* without any reaſon or example: Therefore after mature deliberation, they have ſtatute and ordained, and for remeed of the ſaid heavie prejudice, ſtatutes and ordaines, that all Summonds, Letters, Charges, Suſpenſions, Signators, or other Writs whatſoever, which by the law and cuſtome of this Realme uſeth to paſſe the ſaid Signet, ſhall bee preſented to *George Hadden*, writer to the Signet, and the ordinarie price due for the Signet, conſigned in his hands, to bee made forth comming to the Lord Secretarie, and his keepers of the Signet in his name, Whereupon the ſaid *George Hadden* ſhall marke the date of the ſaid offer, beſide the waxe at the place cuſtomably, bearing the date of the Signet, and write thereupon theſe words (*marked by me according to Act and Warrant of the Lords of Seſsion, and ordained to be a Warrant for execution hereof, or paſsing through the Seals, albeit it bee not ſignetted*) which words hee ſhall ſubſcribe with his Signe and Subſcription manuall: Which Summonds, Charges, Letters, Suſpenſions, Signators, or Writs whatſoever ſo dated, and ſubſcribed by the ſaid *George Hadden*, ſhall have the ſame effect in all reſpects, as if the Signet were affixed thereto: And the ſaids Lords declares, that the ſame ſhall be a ſufficient warrant to all keepers of Seals and Regiſters, Meſſengers of Armes, Purſevants, Heraulds, or others perſons whatſoever for paſſing of the ſaids writs through the Seals, execution of the ſaids Summonds, Letters, Charges, and Suſpenſions, and doing all deeds incumbent to their office, ſuch like and as amplie and warrantablie in all reſpects, as if the ſame had paſt the Signet, and that aye and while the ſaid Signet bee returned againe to *Edinburgh*, and the ſame intimate to the Lieges: The ſaid *George Hadden*, alwayes keeping and retaining the warrands, and making a minute and note thereof: And making the ſame, together with the prices payed therefore, forth-comming to the Lord Secretarie, or others in his name by his warrand: And ordaines theſe preſents to be intimate to all his Majeſties Lieges, by publike Proclamation at the market croſſe of *Edinburgh* to be made hereupon: And theſe preſents for the full warrand of the whole premiſſes, to be enacted and recorded in their books of Sederunt. Which Act, the ſaids Eſtates not onely ratifies in manner above ſpecified: but alſo ordaines the ſaid Act to ſtand in full force and ſtrength, to the effect above-written, therein ſpecified conforme to the tenour thereof foreſaid, while the day of 1600. and yeares. And ſtrictly inhibits and diſcharges all keepers of the Signet in any time hereafter, for any cauſe, or any pretended occaſion whatſoever to tranſport or carry the Signet, or any Seale forth of this Kingdome under the pain of death, and confiſcation of their moveable goods.

ACT.

ACT XXXII.

ACT DISCHARGING ALL CUSTOME OF Ammunition brought home to the lieges to their owne uſe for defence of religion and liberties of Kirk and Kingdom.

THe Eſtates of Parliament preſently conveened, by his Majeſties ſpeciall authority, conſidering the priviledge and exemption bruiked by the Nobility and Barrons of this Kingdome, whereby they have beene exceemed from payment of all cuſtome, for goods imported to this Kingdome, for their owne uſe: And there-with-all, Taking to their conſideration that the ſaid exemption ought more eſpecially be enjoyed, for the armes brought home, at this time to the Nobility, Barrons, and Gentry of this Kingdome, and all others his Majeſties lieges whatſoever, for their owne uſe, for defence of Religion, Liberties of this Kirke, and Kingdome, in thir times of troubles, ſince the yeare of God 1637. Therefore ſtatutes and ordaines, that all ſort of Ammunition whatſoever, brought into this Kingdome, ſince the year of God 1637. or to be brought in hereafter, during the time of thir troubles, ſhall be free of all cuſtomes and impoſition whatſoever. And inhibites and diſcharges all Cuſtomers, or whatſoever receivers thereof, of exacting any cuſtome or impoſition for any kinde of armes or ammunition already imported, or to be imported, during the time foreſaid: And of all arreſting or detaining the ſaids armes and ammunition, or any goods belonging to the Merchants importers thereof, for any cuſtome acclaimed for the ſame: which the Eſtates finds no wayes due, nor reaſonable to be granted in the caſe foreſaid.

ACT XXXIII.

ACT FOR THE COMMITTEES OF ESTATES.

THe three Eſtates of Parliament preſently conveened, having taken to their conſideration the preſent eſtate of this Countrey and Kingdome, being invironed and threatned with armes, by ſea and land, and great hoſtile preparations hatcht and prepared againſt the ſame, without any juſt ground or quarrell, whereby (as manifeſtly doth appeare) there is nothing leſſe intended againſt this Church and Kingdome, nor an utter exterminion and totall deſtruction: So that the

the ſaids Eſtates are neceſſitate, and forced to put themſelves in readineſſe for a juſt and lawfull defence of the Religion, Laws, Lifes, Liberties, and Countrey: and withall conſidering how neceſſar it is for the good of the publick, weal of the Countrey, and maintenance of the armies lifted, and to be up-lifted, and out-reiked both by ſea and land, and for ordering, directing, and governing of the whole body of this Countrey, and Kingdome, That a ſetled, grave and ſolide Committee from the Eſtates be elected, nominate, conſtitute, and authorized by this preſent Parliament: which Committee from the Eſtates ſhall conſiſt of a competent number, of the moſt able, qualified, and truſtie Noblemen, Barons, and Burgeſſes of this Kingdome. Therefore the foreſaids Eſtates of Parliament now conveened, doe hereby nominate, elect, chooſe, and appoint the perſons after ſpecified, viz. *John* Earle of *Rothes*, *James* Earle of *Montros*, *John* Earle of *Caſſils*, *John* Earle of *Wigtoun*, *Charles* Earle of *Dumfermling*, *William* Earle of *Lothian*, *John* Lord *Lindeſay*, *John* Lord *Balmerino*, *James* Lord *Couper*, *Robert* Lord *Burghly*, *Archbald* Lord *Napeir*, *John* Lord *Lower*, Sir *Alexander Gibſon* of *Dury*, Sir *John Hope* of *Craighall*, Sir *John Scot* of *Scotſtarvet*, Senators of the Colledge of Juſtice; Sir *Thomas Nicolſone* of *Carnok*, Sir *Patrik Hepburne* of *Wauchton*, Sir *David Hume* of *Wedderburne*, Sir *George Stirling* of *Kier*, Sir *Patrik Murray* of *Elibank*, Sir *Patrik Hamiltoun* of *Littlepreſton*, Sir *William Cunningham* of *Caprintoun*, Sir *William Douglas* of *Cavers*, *James Chalmers* of *Gadgirth*, Sir *Thomas Hope* of *Carſe*, *Drummond* of *Riccartoun*, *Leſly* of *Forbes*, Maſter *George Dundaſſe* of *Maner*, *John Smyth*, *Edward Edgar*, *Thomas Paterſon*, *Richard Maxwell*, Merchants, Burgeſſes of *Edinburgh*, *William Hamiltoun* Burges of *Lithgow*, Maſter *Alexander Wedderburne* Clerk of *Dundie*, *George Porterfield* Baliffe of *Glaſgow*, *Hew Kennidie* Baliffe of *Aire*, *John Rutherfurd* Proveſt of *Jedburgh*, Maſter *Alexander Jaffray*, Burges of *Aberdeene*, or Maſter *William Ore* in his abſence, *James Sword* Burges of *S. Androes*, and *James Scot* Burges of *Montros*, to bee Commiſſioners from the Eſtate, To whom the Eſtates and Body of this Preſent Parliament, gives, and commits full power, warrant, and commiſſion to doe, order, direct, act, and put in execution every thing neceſſar, expedient, and incumbent, alſwell for the preſervation and maintenance of the armies, both of horſe, and foot, by ſea and land, as for ordering the Countrey, and whole body and inhabitants thereof, deciding of queſtions and debates, which ſhall happen to ariſe, or fall out in any buſineſſe which ſhall occaſion, or offer, in this Kingdome concerning the peace and quiet thereof, But prejudice of the Colledge of Juſtice, or any other ordinarie judicatorie within this Kingdome, lawfully eſtabliſhed by Act of Parliament, which ſhall no wayes be prejudged by this commiſſion, And with full power to them, to borrow, up-take, and levy moneyes for the uſe of the publick: and to give, and preſcribe orders, and directions for depurſing thereof, and for any other thing requiſite which may concerne the good, quiet, and peace of the Countrey, And with power to them, to call and conveene ſuch Noblemen, Barons, Burgeſſes, and other countrey men, to repaire to them for

for their counſell, and aſſiſtance in any buſineſſe which ſhall occurre, as they ſhall finde neceſſar and expedient, And with power to them, to give orders and directions to collectors, commiſſioners, and all other perſons, who ſhall happen to be employed, or have charge or place either in the army or in the Countrey in the publick buſines, in every thing which concernes their place, and charge, and to call them to an accompt als oft as they pleaſe, and to appoint Auditours for hearing, and receiving thereof, (whether of their owne number or any other they pleaſe to nominate) and with power to them; to allow and diſallow, as they ſhall find equitable, and expedient, for what ever the ſaids Commiſſioners ſhall either uplift and borrow for the publick uſe, or ſhall find due, by any compts, bands, bills of exchange, or other furniſhing or debt already borrowed, and advanced for the uſe of the publick, either in money, victuall, or any other neceſſar furniſhing whatſoever, the ſame compts being fitted and found lawfull by the ſaids commiſſioners and their auditors foreſaids. The ſaids Eſtates declares that what ſhall be found due, or reſting thereof ſhall be a lawfull debt, and burthen, which ſhall burthen and affect the ſaids Eſtates, who do hereby bind and obliſh them and their ſucceſſors, to pay, relieve, ramburſe, and defray the ſame: Like as the ſaids Eſtates of Parliament, doe hereby give and grant full power and warrand to the ſaids Commiſſioners from the Eſtate, to preſcribe, injoyne and ſet downe rules, and wayes, for the defrayment of the ſame burthens, and for payment and reliefe thereof to the creditors, and others who lye, and ſhall lye under the burthen of the ſame, and that out of the readieſt moneys, or other goods belonging to the publick, and Eſtate, or otherwayes by proportion, to impoſe the payment and reliefe thereof, upon the Eſtate, and inhabitants of the Countrey according to the rentals, rolls, and valuations of the rents of the Kingdome: And for that effect to reviſe, comptroll, fit and allow the whole compts of the common burthens, alſwell already reſting, owing by bands, contracts, bills of exchange, letters of credit, factorie compts, or otherwiſe, as which ſhall happen to be borrowed and reſting, or owing hereafter: and having drawne the ſame to a totall ſumme, to caſt a proportionall part thereof upon every ſherifdome, presbyterie, parochin and burgh within this Kingdome, conforme to the ſaids valuations, And which ſherifdomes, presbyteries, and burghs, ſhall divide the ſame among the particular perſons, lyable therein, and that letters be direct in the ordinar manner, alſwell for ingathering thereof, as for reliefe thereof, with certification, if the ſame or any part thereof ſhall not be payed, at the termes appointed, by the ſaids Commiſſioners auditors foreſaids, The perſons refuſers, or delayers, ſhall not only pay anual-rent for the ſame, conforme to the Act of Parliament; but ſhall alſo pay ten marks for each hundreth markes failzie, With power likewiſe to them, as ſaid is, to ſet down wayes for exſyſes to be layed on vivers for the weal of the Countrey, and helping to relieve the burthens thereof, and maintenance of the Armie: And with power to them to give orders, inſtructions, and directions to all inferiour Committees, Shires, Burghs, Presbyteries,

Stewartries,

Stewartries, Regalities, and others whatsoever within this Kingdome, in every thing which concernes the publick, and for the maintenance of the Armies, and other necessar imployments through the whole Kingdome, in such forme and manner as the saids Commissioners, or so many of them as are a *Quorum*, in manner after-specified, shall direct and appoint: And generally with full power to them to doe all and sundrie other things requisite, anent the ordering, directing, managing, prosecuting, and executing of all affaires, and businesse of this Kingdome, which may or can conduce to the weale of this Kingdome, or any part thereof: And which ought, and should, or shall be needfull to be done by them, for maintenance and preservation of the Religion, and liberties of this Kingdome, anent the premisses: Without prejudice alwayes of the ordinarie Judicatories, as said is. And further, with power to the saids Commissioners of Estate, to nominate and constitute Commissioners, over-seers, and all other officers, as well in the Armie as in the Countrey, so oft as occasion and necessity shall require, for maintaining of the Armie in every thing necessar, and for exercising and discharging of all other things needfull for the publick, through the whole Kingdome, (without prejudice of the generall Commissars gift) And it is hereby ordained that the forme and manner of the proceedings of the saids Commissioners of Estate, and the places of their residence *respective*, shall bee in manner after-specified, *viz.* There shall be two constant places of their residence, whereof the one shall be at *Edinburgh*, or any other convenient place, where they may most conveniently and safely sit and reside, And the other shall be constantly at the Armie, who shall keepe correspondence the one with the other, anent their proceedings. And it is ordained, that there shall be twelve of every Estate for both Committees, making eighteene for every Committee; and the *Quorum* to be thus, *viz.* Three of each estate, when the Estates are full, or any seven promiscuously, when any of the Estates keepeth not, and when any of the persons nominate upon this Commission shall decease, it shall be leisome to the most part of the *Quorum* of that Estate in *Edinburgh*, or at the Camp *respective*, to appoint any other of their owne Estate in place of the person deceasing, *viz.* The *Quorum* at *Edinburgh*, or other-where else, to nominate the person in place of the partie inlacking of the Commission appointed to reside at *Edinburgh* or other-where else: And the *Quorum* of the Committee at the Camp to nominate the person in place of the partie inlacking of the Committee at the Camp. And it is ordained that the forenamed Commissioners divide their numbers proportionally, and with such equalitie, as neither the Armie nor the Countrey at any time shall want a competent number, to sit and reside constantly for determining of all matters incumbent to them: And what ever the foresaid *Quorum* of persons at *Edinburgh*, or in the Countrey, or moe of them, and what ever the foresaid *Quorum* of persons, or moe of them being at the Camp shall determine, decerne, and ordaine, in any cause, businesse, or debate incumbent to them, the same shall have the full strength of a valide and lawfull decreet

decreet and ſentence, or what ever buſineſſe, or conveniencie, ſhall be preſcribed by the foreſaids *Quorums reſpective*, or either of them, the ſame ſhall be as valide, as if it were done by the whole number; Providing alwaies, that none of the ſaids *Quorums*, either theſe who ſhall reſide at *Edinburgh*, or theſe who ſhall be with the Armie ſeverally by themſelves, ſhall ingage in warre with any Nation, or make capitulation of agreement, without mutuall conſent of the whole, at the leaſt of both the *Quorums*. And becauſe it is expedient, that the ſaids Commiſſioners of Eſtate have a ſufficient truſtie and able Clerke, for keeping of all the Records, Regiſters, Acts, Bands, Warrands, and other Papers whatſoever, which concerne the Publick, or the ſaids Judicatories: And the Eſtates of Parliament having reall experience of the truſt, qualification, and ability of Maſter *Adam Hepburne* of *Humbie*, for diſcharging of the ſame office and place, Therefore the ſaids Eſtates of Parliament doe hereby create, nominate, and conſtitute the ſaid Maſter *Adam Hepburne* to be Clerke to the ſaids Commiſſioners of Eſtate, and other of them, with all Priviledges, Liberties, Caſualities, Fees, and Immunities belonging thereto: With power to him to ſubſtitute Deputes, one or moe, for whom he ſhall be anſwerable: To the effect, that either he, or his Deputes, may be alwayes preſent: So that none of the ſaids Judicatories be interrupted for want of Clerkes. Which Clerke foreſaid, and his Deputes, ſhall have the truſt, charge, and keeping of all the Papers, Regiſters, Records, and others foreſaids, which concerne the Premiſſes, and the Acts, and Subſcriptions of the ſaid Clerk and his Subſtitutes, ſhall make as great faith as the Acts and Subſcriptions, of any other Clerke within this Kingdome. The ſaids Commiſſioners and Clerks being countable to the Eſtates of Parliament: With power alſo to the ſaids Commiſſioners, or the *Quorum* reſiding at *Edinburgh*, or other where elſe, to conveene the whole bodie of the Eſtates, when they ſhall finde neceſſity: And this Commiſſion to endure aye and while the next meeting of Eſtates, either in Convention or Parliament: And that the ſame be diſcharged by either of them. And it is hereby declared, That if any of theſe whoſe turne fals to be preſent, ſhall be abſent, by whoſe neglect the buſineſſe may be diſappointed, The ſaids *Quorums*, or any of them ſhall enjoyne ſuch paines and penalties, either upon their perſons or goods, as they ſhall find the ſaids perſons of the ſaid Committee to demerit for their abſence from any of the ſaid places *reſpective*. And becauſe there will fall out in the camp a neceſſity either of treaties, conſultations or publike declarations, to ſhew the reaſons of the Demands and proceedings in the Aſſembly and Parliament, and the prejudices againſt either of them, The Eſtates ordaines Maſter *Archbald Iohnſtoun* Procurator for the Kirk, as beſt acquaint with theſe reaſons, and prejudices, to attend his Excellence, and to be preſent at all occaſions with the ſaid Committee, for their further information and clearing thereanent, with power to any of the ſaids *Quorums*, to take the oathes of theſe who are preſently abſent for their faithfull, dutifull, and diligent endeavours in the performance of their duetie in the foreſaid Commiſſion: Like as it is hereby

by declared, that the Generall his Excellence, and other generall Officers are hereby priviledged and warranted to be at the ſaid Committee, as occaſion ſhall offer.

ACT XXXIV.

ANENT THE COMMON RELIEFE.

FOrſomuch as at the Convention of the Eſtates, holden in *Januarie* 1640. years, It was voluntarily offered, that for defraying of the common charges, and for other neceſſars and urgent expences, every man ſhould pay the tenth part of his yearly Rent, as well to Burgh as Land-ward, for the Cropt and yeare of God, 1639. conforme to the valuations to be made within and without Burgh *reſpective*: And for that effect did voluntarily oblige themſelves thereunto, as the bands granted thereanent by the Heritours within the ſeverall Presbyteries and Burghs more fully proports: Which band and whole tenour thereof, the ſaids Eſtates now conveened in Parliament, ratifies and approves in all points as the ſame is conceived, as well anent the payment of the ſaid tenth part, as anent the retention of the proportionall part of the annuall Rent in manner therein expreſt: And ſiclike, in reſpect that the burdens of the common charges daily increaſeth, and that the Heritours to Land-ward, and Burgeſſes within Burghs beare the ſame, conforme to their rents, trade, houſe-mails, and others, whereby yearly profit and commoditie ariſeth, without reſpect to their moneys: Therefore it is ordained, that the moneys or annuall rent, or life-rent ſhall beare an equall and proportionall burden with the ſaid rents, trade, and houſe-mails by way of retention, as well for the foreſaid tenth part, as in all other burdens, the Countrey is, or ſhall bee put unto by generall order, and the termes of retention to be conforme to the termes of payment of the ſaid tenth part, or of any other burden impoſed, or to be impoſed upon the ſaid rents, trade, or others foreſaid, after the proportion thereof ſhall bee determined by the Commiſsioners, Auditours of the accompts of the common burdens, appointed for that effect, untill which time no debtours ſhall have power to retaine any part or portion of his annuall rent or life-rent further then the ſaid tenth part for the crop and year 1639. allanerly. And becauſe the preſent expedition, or any other expedition hereafter requires advancement by the Heritours and Burghs, of the two part of the foote-men and horſe-men their pay conforme to the rents and valuations of each Shire and Burgh which will bee only in ſome Sherifdomes and Burghs: And to the effect that the burden may bee equall through the whole Kingdome: Therefore it is ordained, that the ſaid advancement and proviſion ſhall be put in compt by the Shire, Burgh, Regiment, or Company, who ſhall ſend out their men in the ſaid expedition, or in any other expedition or ſervice neceſſar, as the Councell of Eſtate and Generall ſhall command

command, and the ſaids accompts, to bee given in to the ſaids Commiſſioners Auditors thereof, who ſhall have power to comptroll, fit, or allow the ſame: Which compts being ſo fitted and allowed, ſhall be a part of the common burthen to bee ramburſed and allowed to the advancers thereof: And becauſe a great part of the Presbyteries and burghs of this Kingdome have not as yet reported their valuations perfectly and rightly, done conforme to the generall order: Therefore it is ordained, that all the presbyteries and burghs within this Kingdome, who have not as yet made report of their ſaids valuations in forme and manner above-ſpecified, ſhall report the ſame betwixt and the twenty day of June inſtant, be-ſouth Tay, and betwixt and the firſt day of July next to come be-north Tay, and that either under the hands and ſubſcriptions of the ſworne men, appointed within each presbyterie, teſtifying the ſame to bee true upon their conſcience and credit according to their knowledge after the moſt exact and true informations they could get, or otherwayes, under the hands of the heritors or magiſtrates, upon their conſciences, and credit: or laſt, by the ſubſcriptions of the heritors and magiſtrates their hands, but with this caveat, that what is concealed of land, rent, trade or other rent (whereby profit or commodity ariſeth, or did ariſe the ſayd yeare) the whole rent thereof, or the equivalent and availe of the ſame, ſhall bee confiſcate to the publick uſe, and the generall collector appointed to uplift and receave the ſame, and if need bee, to purſue therefore. And (that no ſubterfuge and concealment be uſed in valuations) it is appointed, that all land, trade, ſhipping, ſalmond-fiſhing, and other yearly commodity whatſoever, whereby profit did ariſe the ſayd yeare, ſhall bee fully and truely given up without partiality, as the up-givers will either bee anſwerable on their conſciences, or the heritors upon the hazard of confiſcation. And likewiſe it is ordained, that all money whatſoever, which payes annuall rent to any perſon not lyable in the foreſaid contribution, ſhall pay a proportionable part of their ſayd annuall rent to the publick uſe, as the ſame ſhall be impoſed, aſwell for the ſaid tenth part as for the burthens hereafter to be impoſed: And for that effect, the valuers to take particular notice of ſuch ſummes, and in caſe any delay or refuſe, to ſend in their ſaids valuations to the Clerk of the ſame at *Edinburgh*, betwixt and the ſaids dayes *reſpective*, in that caſe it is declared, that the delayers or refuſers ſhall bee eſteemed and valued conforme to their retoures or otherwayes, as the Committee at *Edinburgh* ſhall thinke fit, and a proportion layed on accordingly, which they ſhall be holden to pay without any deduction or favour in time comming: And ſuch like for in-bringing of the monys, conforme to the ſaids valuations, it is appointed, that there be collectors choſen in every presbyterie (where there are none choſen as yet) by the Gentle-men and heritors, and that the Commiſſioners of ſhires ſee the ſame done, and cauſe the ſaids collectors (ſo to be choſen) ſubſcribe bands for doing of their diligence, and making payment of the collection to the generall collector, and ſend the ſame into *Edinburgh* to him. And where the valuations are already brought in, and collectors already made, it is ordained, that the ſaids collectors ſhall,

with all poſſible diligence, ſend all the money they have to the principall Collector at *Edinburgh*, and ſhall uſe all poſſible diligence for the reſt, and give in their diligence to the ſaid principall Collector; With certification, if any, lyable in payment of the ſaid tenth part, ſhall not pay to the ſaids Collectors the ſummes due by them; conforme to the ſaids valuations, the ſaid principall Collector or his deputes ſhall uſe all lawfull execution againſt them where the bands are ſubſcribed, and where the bands are not ſubſcribed, they ſhall be repute, and uſed as non-Covenanters. And to take away all objections for not paying of the ſaid tenth part, it is appointed, that every Presbyterie and burgh ſhall ſend in their moneys, due for the tenth part, without deduction of any part of it, except what is allowed for pay to their officers before the firſt of *February* laſt, and prices of victuall delivered to Commiſſars, for the publick uſe, or by warrant from the Committee: And if they have not ready money, they ſhall borrow the ſame, from any perſon or perſons to burgh or land-ward, where it may be had upon their owne ſecurity: And if any perſon or perſons, of whatſoever ranke, degree, or calling, ſhall refuſe to lend the ſame (reſerving alwayes ſo much thereof, as may reaſonably ſerve his owne private uſe, and his family, according to his eſtate and quality) upon the ſaid ſecurity, It ſhall bee lieſome to them, to conveene them before any ordinary Judge, or Committee of the ſhire, or Presbytery: Which being lawfully proved, by writ, witneſſe, or oath of party, that they have money, and refuſe to lend the ſame, They ſhall be holden as oppoſites to the common cauſe, and the money to bee confiſcate, the one halfe to the apprehenders, and the other to the publick uſe: And becauſe there is a preſent neceſſity of moneys, by and attour the ſaid tenth part, Therefore it is appoynted, and ordained, That every presbyterie within this kingdome ſhall lend to the publick uſe, the twentieth part of the rent, contained in the valuations, and that by and attour the ſaid tenth part, upon declaration and Act to bee made by the Committee from the Eſtates, that the ſame is given and lent by them for the publick buſineſſe, to bee repayed, together with the annuall rents thereof, when a common courſe is laid downe, and proſecute for reliefe of the common burthens, to bee ended with all poſsible diligence: And the furtheſt ſhires to returne their bands or money betwixt and the firſt day of *July* next; Or otherwayes it ſhall bee lieſome to the ſaid Committee, from the Eſtates, to find out the money in manner, and with certification foreſaid, and to deſigne to the havers of the ſaid money any Noble-men, Gentlemen, Burgeſſes, or ſubſtantious wealthy men, within each presbytery, one or moe, who ſhall be obliſht to give band or ſecurity to the ſaids lenners, for repayment thereof, and annuall rents for the ſame, in the ordinary forme, the ſumme not exceeding the ſaid proportion of the ſaid twentieth part of the valuation of the ſaid presbytery. For reliefe of the which perſons, one or moe who ſhall give band or ſecurity foreſaid, the whole heritors of the ſaid presbytery, as well to burgh as land-ward, ſhall be bound, conforme to the proportion of their rents and dueties: and for that effect, ſhall have action of reliefe againſt them,

in caſe

in caſe of diſtreſſes: And ſuch like, it is declared, That all the Bands, Contracts, and other obliſhments for ſummes of money already borrowed for the publick uſe, ſhall be relieved and payed by all the heritors within this Kingdome, as well to Burgh as land-ward, conforme to the valuations proportionally: And that theſe who have ſubſcribed the ſaids bands, contracts, and other obliſhments foreſaids, ſhall have their reliefe of the whole Shires and Burghs, conforme to the ſeverall proportions, as well theſe who have ſubſcribed, as theſe who have not ſubſcribed the ſaids bands and other foreſaids: And where the valuers and collectors, choſen, or to bee choſen, refuſe to go on and perfect the ſaids valuations, or collect the tenth part in manner above ſpecified, in that caſe they or any of them ſhall bee holden and repute as enemies to the common cauſe: without prejudice alwayes, in caſe after their ſayd refuſall to the heritors and magiſtrates, to doe any of the other two alternatives, and in caſe the ſayd Heritors or Magiſtrates delay after the ſaids dayes *reſpective*, the foreſayd certification to be valide againſt them in manner foreſaid: And it is hereby declared, that if any perſon or perſons within or without Burgh ſhall upon their oathes declare to the ſaids Valuers or Auditours, that they pay annuall rent to ſtrangers, dwelling without this Kingdome, of whom they cannot have the retention of the proportionall part of the contribution due out of the ſaid annuall rent, in that caſe the ſaids valuers or auditours ſhall defaulk proportionally to the ſaids perſon or perſons contribution of their trade, craft, rent, and eſtate, as they ſhall finde agreeable to equity and reaſon. And ſuch like, it is hereby declared that this preſent Act, nor no clauſe therein ſhall bee any ground of Suſpenſion to any debtour for retention of the principall ſummes adebted by him, and by-run annuall rents: But that every creditour may ſute, crave, and charge for the ſame after the day of payment, as accords of the law: As alſo it is ſtatute and ordained, that theſe debtors who ſhall not pay their annuall rents termly at leaſt within ſix moneths after each terme of payment of the ſaid annuall rent, ſhall have no retention of the ſaid proportionall part of the ſaid contribution. And ſuch like, it is hereby declared, that this preſent manner of ſtenting for the ſaid collection and contribution ſhall no wayes prejudge any perſon whatſoever in ſucceeding taxations; But that every mans right and claime anent the prejudice may ariſe concerning the ſame and manner thereof, whereby any man can inſtruct, enorme leſioun, and that he was unequally ſtented, Is hereby ſpecially reſerved *hinc inde*. And laſt, It is ſtatute and ordained, that the Lords of Seſſion ſhall bee Judges to all Suſpenſions to be raiſed in the ſaid collection and contribution in ſuch forme and manner as they are, and have been in matters of taxation.

ACT XXXV.

ORDAINING SUMMONDS TO BE DIRECT and execute againſt the perſons, who are culpable of the crimes and faults, contained in the Act, to compeare before the next Seſſion of Parliament.

THe Eſtates of Parliament conveened by his Majeſties ſpeciall Authoritie, Conſidering the preſent ſtrait and exigencie, menacing the ruine of this Kingdome, and how neceſſary it is, for preventing thereof, that theſe who have beene the authors, or are the maintainers and aſſiſters of theſe courſes that are deſtructive to the liberties of this Kirk and Kingdome, and that either by their falſe ſuggeſtions and calumnious relations of the Eſtates of this Kingdome, and their proceedings to his Majeſtie, or by their comming in Armes againſt this their mother Countrey, and contributing to further our Adverſaries in their intended and profeſſed plots and violences, for the ſubduing and deſtroying this Kingdome, or by their riſing in Armes within the Countrey, fortifying and keeping of Caſtles, and houſes againſt the Eſtates, who defend the Countrey againſt all forraigne invaſions and ſubjection, or by deſerting their native Countrey in ſuch an extreame neceſſitie, and with-drawing from them all the aſſiſtance they can: That all theſe and others in the like condition be diſtinguiſhed, and cenſured according to the ſeverall degrees of their tranſgreſſion againſt the State and Kingdome, Therefore they grant full power and warrand to the Committee, which is to ſit at *Edinburgh*, for to direct in their name precepts to the *Lion* King of Armes, and his brethren Heraulds and Meſſengers, to paſſe, warne, and charge in name of the ſaids Eſtates, the perſons underwritten:

And all others whom the ſaid Committee upon like probable grounds can ſuſpect to have been the Lieſing-makers, and tellers, and falſe accuſers of the States of this Kingdome, and their proceedings to the Kings Majeſtie, as ſeditious, rebellious and treaſonable, to have beene the inſtigatours, framers, and up-drawers of the ſtrange Proclamations, and Declarations made againſt his Majeſties Subjects and Eſtates, as Rebels and Traitours, or to have riſen, or riſe in Armes, and concurre with the adverſaries, for ſubduing of this their native Countrey, or to fortifie, keepe, or detaine Strengths, or Caſtles againſt the Eſtates of this Kingdome, who ſtand to their Covenant, for

for defending their Religion, Crown, and Countrey; Or wittingly and willingly to with-draw their assistance from their mother Countrey, in this extremity, and contribute their help and countenance to the adversaries, and all others who are either authours, abetters, maintainers, or suppliers, or art and part, or have any hand in countenancing and concurring with our adversaries, to the subduing and destroying of this Kingdome; and especially these that have seemed to joyne with us, and have subscribed the Covenant, for to compeare personally on day at *Edinburgh* before the Parliament at the next Session thereof, to answer unto these and all other crimes of that kinde, which may bee layed to their charge, and that under the paine of treason and forefaultrie for their contumacie, in case of not compearance: Like as the Estates declares that these precepts being subscribed by the *Præses* and *Quorum* of the Committee foresaid, shall bee as sufficient, as if they were subscribed in Parliament.

ACT XXXVI.

IN FAVOURS OF THE KINGS VASSELS of ward-lands, recommending their prejudice by the Act *Anno* 1633. to the consideration of the next Parliament, and in the meane time while then, suspending the force and execution of that Act.

THE Estates of Parliament presently conveened by his Majesties speciall Authority, Taking to their consideration the bounty and benevolence of the Kings Majesties most noble Progenitors, King *James* the second, and King *James* the fourth, giving their Vassels liberty to set ward-lands few: And likewise considering how the Kings Vassels of ward-lands are secluded from that benefite by the Act 1633. which seemeth to be done by mis-information of the Kings Majesty, and contrary to the intention of the Parliament, to debarre the Subjects of the bounty and benevolence of the Kings Majesty towards them, which was formerly granted by his Progenitours, Recommendeth the serious consideration hereof, with the meaning and intention of the Kings, and the Estates, in setting downe of the foresaids Acts, and how farre the same Acts can be extended to the prejudice of the Vassels (the Act *Anno* 1633. being only a ratification of a former Act made in favours of the Subjects, and appointing the same to be extended to lands holden of the King and Prince, and not a direct Act for these lands) to the next meeting of the Parliament: And in the meane time, while the determination thereof, the Estates suppresses and suspends the force and execution of the Act 1633. against the Kings Vassels of ward-lands, and exeemes them from that Act during the said *interim*.

ACT XXXVII.

APPOINTING THE FEES FOR THE Procurator, the Clerk, and Agent for the Kirk.

THE Eſtates of Parliament preſently conveened by his Majeſties ſpeciall Authoritie, Taking to their conſideration, the deſire of the laſt Aſſembly, and the ſupplication of the Commiſſioners of the Kirk, craving that the Advocate for the Kirk, the Clerk of the Aſſembly, and the Agent for the Kirk, may be provided to Fees and Penſions, for their ſervice in that charge out of the Kirk rents belonging to the late Biſhopricks, as they have had their Penſions payed to them out of the ſame, ſince the Reformation. For the Procurator of the Kirk had aſſigned to him foure laſt, halfe laſt coſt, extending to ſix chalders twelve bowles meal and malt out of the readieſt duties of the Biſhopricke of *Orknay* yearly: In place whereof, after the reſtitution of Biſhops *Anno* 1606. there was five hundreth pounds ordained to be payed out of the Kings Checker to the Advocate for the Kirk: Like as the Clerk of the generall Aſſembly, ſince the Reformation, and before the reſtitution of Biſhops, and by the Biſhops themſelves, conforme to their Band in *Janu.* 1610. yeares, had five hundreth markes payed to him yearly, and the Agent for the Kirk had a continuall penſion payed to him out of the Kirk rents for his charge. And herewith alſo, the ſaid Eſtates conſidering the neceſſitie of the ſaids Officers of Advocate, Clerk, and Agent for the Kirks buſineſſe, with the weight of that charge, and continuall attendance requiſite thereto, ordaines, and appoints the ſumme of a thouſand markes of Fee and Penſion to be payed yearly to Maſter *Archbald Johnſtoun* preſent Advocate for the Kirk, and to his ſucceſſours, choſen and appointed by the Aſſembly in that place for the Fee of that charge, as Procurator for the Kirk, and the ſumme of five hundreth markes to be payed yearly to the ſaid Maſter *Archbald Johnſtoun* as preſent Clerk to the generall Aſſemblies of the Kirk, for the Fee and Penſion of that office, and to his Succeſſours choſen and appointed by the Aſſembly in that place, for the diſcharge thereof and ſervice thereintill: And the ſumme of other five hundreth markes of Fee and Penſion yearly to bee payed to Maſter *Robert Dalgleiſh* preſent Agent for the Kirk, and to his Succeſſours choſen and appointed by the Aſſembly in that charge. And in reſpect, that the Advocate, Clerk, and Agent for the Kirk, muſt have their continuall reſidence at *Edinburgh*, for attending the affairs of the Kirk, and that the ſaids Fees and Penſions ought to bee payed out of the Biſhops rents, and that the ſaids officers, ſhould be payed thereof, out of the neareſt and moſt commodious rents, belonging to

to the ſaids Biſhopricks, Therefore the ſaids Eſtates, ordaines the ſaids fees and penſions to be payed to the ſaids preſent officers, and to their ſucceſſours *reſpective*, in that charge out of the readieſt of the few duties, and out of the quotes of Teſtaments of the dioceſſe of *S. Andrews*, *Glaſgow*, and *Edinburgh*, according to the proportion and diviſion to be determinate and ſet down, by the Committee, from this preſent Parliament appointed to remaine at *Edinburgh*: and ordaines the foreſaids fees, to be payed conforme to that diviſion by the heritors, fewars, fermorers, and others adebted in payment of the few duties of the ſaids three Biſhopricks, and by the collectors, and intrometters with the ſaids quotes of Teſtaments: And alſo ordaines the Lords of Seſſion to direct letters on this preſent Act, and upon the determination and diviſion of the ſaid Committee, at the inſtance of the Advocate, Clerk, and Agent for the Kirk, preſent and to come, for payment to them yearly, of their ſaids fees and penſions aboveſpecified. And becauſe that the preſent Procurator, Clerk, and Agent, have been ſerving the Kirk, in theſe places theſe two yeares by-gone, without receiving their fees otherwayes due to them, and that the rents of the ſaids two yeares, are yet untaken up, by the pretended Biſhops of *Edinburgh*, *Glaſgow*, and *S. Andrews*, but are reſtand in the tenants and collectors hands, Therefore they ordaine their entrie of payment, to be to the crop and yeare of God, 1638. yeares.

ACT XXXVIII.

ORDAINING THE WHOLE SUBJECTS And Lieges of this Kingdome to obey, maintaine, and defend the Concluſions, Acts and Conſtitutions of this preſent ſeſſion of Parliament, and to ſubſcribe the band appointed for that effect.

IN the Parliament holden at *Edinburgh*, the eleventh day of *June* 1640. yeares, the Eſtates of Parliament preſently conveened, by his Majeſties ſpeciall authority, Conſidering that whereas, after many petitions and ſupplications given in and preſented to his Majeſtie, and the Lords of his ſecret councell, by divers of the Nobility, Barons, and Burgeſſes of this Kingdome, for granting a free Generall Aſſembly and Parliament, for reforming of many great abuſes and novations, tending to the overthrow of the true reformed Religion, and undoing of this Kirk and Kingdome, deviſed and brought in by the late pretended Biſhops, who by their ſubtle practiſes, during his Majeſties abſence, theſe many yeares, had ingroſt in their perſons, all the Eccleſiaſtick and civill Power of this his Majeſties ancient and native Kingdome; It was granted by his Majeſtie, out of his Royall Juſtice, and accorded

ded by the Articles of Pacification, made at his Majeſties camp in the moneth of *June*, 1639. yeares laſt by-paſt, that a free generall Aſſembly and Parliament ſhould be indicted by his Majeſtie, and that all matters Eccleſiaſticall ſhould be determined by the Aſſemblies of the Kirk: and matters civill, by Parliaments, and other inferiour Judicatories, eſtabliſhed by Law: And that according thereunto, his Majeſtie did indict an Aſſembly to be holden at *Edinburgh*, the twelfth of *Auguſt*, and a Parliament for ratifying the Concluſions of the ſame aſſembly, and ſetting down ſuch other things as might conduce to the peace and good of the Kingdome, To be holden at *Edinburgh* the twenty ſixth of *Auguſt* laſt by-paſt. In the which aſſembly, the matters concerning the puritie of the true reformed Religion, and peace of this Kirk, after great debate, delayes, and protracting of time, made by *John* Earle of *Traquaire*, his Majeſties Commiſſioner, being at length concluded upon the day of *Auguſt*, 1639. yeares; the Parliament ſitting down, immediately thereafter, upon the penult day of the ſaid moneth of *Auguſt*, the ratifications of the Concluſions of the ſame aſſembly, and many other matters of great importance, conducing neceſſarily to the ſetling of the peace of this Kingdome, being proponed in Parliament, were likewiſe ſhifted and delayed, and the cloſing of the Parliament protracted from time to time, unto the day of *November* laſt by-paſt: At the which time, the ſaid *John* Earle of *Traquaire* did take upon him without the conſent of the Eſtates, to prorogate the foreſaid Parliament, to the ſecond day of *June* inſtant, not only contrary to the Articles of Pacification, but alſo to the prejudice of the Liberties of the Parliament: for preſervation whereof, the ſaids Eſtates were forced to make a declaration in Parliament againſt the ſame: And that albeit ſince the ſaid day of *November*, unto this time, the ſaids Eſtates have uſed all poſſible meanes to give his Majeſty full ſatisfaction, both by their peaceable carriage at home, and by ſending their Commiſſioners to acquaint his Majeſtie with all their juſt deſires, and the reaſons thereof, yet they have not onely received no anſwer, but upon the contrary, their proceeding in the ſaid Parliament, being untruly related, by the ſaid *John* Earle of *Traquaire*, have been condemned as Rebellious without hearing, And our Commiſſioners ſent for clearing thereof, all reſtrained in private houſes for a long time, and *John* Lord *Lowdoun*, being one of them committed to the *Tower*, where he is ſtill detained priſoner: The Caſtles of *Edinburgh*, and *Dumbartane* have in the meane time beene fortified and provided with all ſort of Ammunition, in great abundance, and Gariſons of Souldiers, (not being natives of this Kingdome) put therein, the Gariſon in the Caſtle of *Edinburgh*, dayly killing diverſe of the inhabitants of this Citie, and ſpoyling their houſes with muſquets and great Ordnance: all ſhips belonging to this Kingdome arreſted in *England*, and *Ireland*: and many of them coming from other places, layed waite for, and taken by the way: their owners and paſſengers

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gers ſpoyled of their goods and apparell, layed in the yrons, and barbarouſly abuſed: A Commiſſion granted to the Generall of the *Engliſh* forces by ſea and land, to kill, deſtroy, and ſubdue this whole nation, a printed Declaration put forth, denouncing war againſt it, perſwading, exhorting, and provoking the other two Kingdomes to grant ſubſidies, and take Armes againſt the inhabitants of this Kingdome as traitours and rebells: And the Parliament of *Ireland* hath proceeded ſo farre as to declare them to bee ſuch: All which they have hitherto endured patiently, and thereby given an evident demonſtration to the world of the loyalty of their affections to their Soveraigne, which no extremitie ſhall ever make them to forget: And now being preſt by the preſent exigence of the Eſtate of this Kingdome, and bound by the neceſſity of that naturall duety they owe to themſelves and their poſterity, to provide for the ſafety of the Common-wealth, and their owne, and timouſly to prevent the utter ruine of this Nation, which can no longer ſubſiſt under ſo great a burden, That time appointed being come, to the which the Parliament was prorogate, and no advertiſement come from his Majeſtie to them anent any courſe to bee taken, for remeeding of the great diſorders, they being the great Councell of the Kingdome, could not bee altogether ſo forgetfull of themſelves, and deficient to their Countrey, as to ſuffer this Parliament which they had ſo often petitioned from his Majeſtie, which was conditioned and accorded by the ſaids Articles of Pacification, and indicted by his Majeſties Authority, to bee deſerted and expired without any concluſion to the good of the Common-wealth in ſo great extremity: But rather, thought themſelves bound in conſcience and duety to proceed to the determination of ſuch matters as are neceſſary for the eſtabliſhing of the peace of this Kirk and Kingdome, as being the expreſſe and ſpeciall ends of all their Supplications, and agreeable to the ſaids Articles of Pacification, without trenching any wayes on Soveraignitie, or derogating in any ſort from his Majeſties Royall Authority: but on the contrary, only looking firſt upon the conſtitutions of the generall Aſſembly, paſt in preſence of his Majeſties Commiſſioner, and the neceſſary conſequences thereof, and then providing remedies for the preſent evils of the Kingdome, by removing the cauſe, and eſtabliſhing neceſſary concluſions for preventing the like hereafter: In doing whereof, as they have proceeded uprightly in the way of Juſtice, and with all due reverence, and regard to his Majeſties Authority, and thereby have ſtopped the calumnious mouthes of their adverſaries, ſo they reſt aſſured, that his Majeſty after due examination of their proceedings, finding the ſame agreeable to the fundamentall lawes and cuſtomes of this his ancient and native Kingdome, and no wayes repugnant to Monarchicall government, will out of his Royall Juſtice and goodneſſe give his full conſent thereunto; And thereby totally remove and extinguiſh all ground and occaſion of controverſie againſt his faithfull and loyall Subjects, reſtore this Kingdome to a perfect and ſollid peace, which they pray the LORD to put in his Majeſties Royall Heart, that he may long and proſperouſly reigne over

over them. And on the other part, conſidering from by-gone experience how malicious and diligent their adverſaries will be to calumniate theſe their proceedings, and by their ſuggeſtions to the Kings Majeſtie, and to the Lieges, to kindle and entertaine factions and diviſions thereanent, and how neceſſary it is for the ſafety and peace of this Kirk and Kingdome, that the members of both doe unanimouſly with heart and hand teſtifie by their ſubſcription their reſolution, and obligation to acknowledge this Parliament ſo often deſired by their petitions and ſupplications, and conveened by his Majeſties ſolemne indiction, according to the Articles of Pacification, to be a free, lawfull, and neceſſarie Parliament, and to obey, obſerve, and maintaine the ſame for themſelves conſtantly and faithfully, and to the uttermoſt of their power, to joyne and concurre, in their ſeverall ſtations and callings, with others to advance, further, and aſſiſt the execution, obedience, and obſerving of the Acts and Conſtitutions of this preſent Parliament, as the moſt fit and neceſſarie remedies of the by-gone and preſent evils and diſtractions of this Kirk and Kingdome, and for preſervation of the Religion, laws and liberties thereof, and of his Majeſties Authoritie, and that in the firſt Parliament which ſhall be holden hereafter within this Kingdome, and at all other occaſions, againſt any oppoſition whatſoever, except in ſo farre as ſhall hereafter be thought fit and expedient by the common adviſe and conſent of the Eſtates: They have ordained, and ordaines the Band under-written, to be ſubſcribed by all the Members of Parliament preſent and abſent, and by all Noble men, Barons, Burgeſſes, and all other Subjects and inhabitants of the Kingdome, in their Shires, and Burghs, as they ſhall be directed by the Commiſſioners of Parliament left at *Edinburgh*, and to be reported to the Clerk, betwixt and the firſt day of *September* next, with certification, that ſuch as refuſe, or poſt-pone, and delay to ſubſcribe the ſame, ſhall be holden as Enemies and Oppoſites to the common Cauſe, conſiſting in the maintenance of the true reformed Religion, and of the laws, and liberties of this Kingdome, and his Majeſties Authoritie.

WEe Noble-men, Barons, Burgeſſes, and others, under ſubſcribers, Conſidering how neceſſarie it is to eſtabliſh our Union in the preſervation and maintenance of the Religion, Laws, and Liberties of this Kingdome, and of his Majeſties Authority, and to prevent all factions, contentions, and diviſions, which may ariſe in prejudice thereof, from malicious ſuggeſtions and miſ-informations of our adverſaries, doe all, and every one of us with our heart and hand teſtifie and declare our Reſolution and Obligation, (for the reaſons and cauſes at length expreſt in the Act of Parliament immediately preceding) to acknowledge the foreſaid Parliament to have been, and to be a free and lawfull Parliament. Like as we binde and obliſh us, and every one of us upon our honours and credit, and as we deſire to be, and to be holden true lovers of our Countrey, and of the Religion, laws, and liberties thereof, effauldly and faithfully to the uttermoſt

termoſt of our power, To joyne and concurre with our perſons and eſtates, every one of us according to our ſeverall ſtations and callings, in the maintenance of the freedome and lawfulneſſe of the foreſaid Parliament, and in the advancement, furtherance, and aſſiſtance of the execution, obedience, and obſervation of the Acts and Conſtitutions thereof, as the moſt fit and neceſſarie remedies of the by-gone and preſent evils and diſtractions of this Kirk and Kingdome, and for the preſervation of Religion, laws, and liberties thereof, and of his Majeſties Authoritie, and that in the firſt Parliament, which ſhall be holden hereafter within this Kingdome, and at all other occaſions, and againſt any oppoſition whatſoever, except in ſo far as ſhall be hereafter thought fit and expedient, by the common adviſe and conſent of the Eſtates. In witneſſe whereof we have ſigned and ſubſcribed theſe preſents with our hands, At, &c.

ACT XXXIX.

DECLARING THE PARLIAMENT Current, and continuing the ſame while the nineteenth of November next.

THe Eſtates of Parliament preſently conveened by his Majeſties ſpeciall Authoritie, Continues this preſent Parliament, and all matters and actions belonging thereto, while the nineteenth day of *November* next to come: At the which day, ordaines the whole Eſtates to be preſent, and to attend at *Edinburgh*, or where it ſhall happen the ſame to be appointed to be holden for the time: And in the meane time declares the ſame Parliament to be current to the day foreſaid: And ordaines the whole Acts and Statutes concluded in this preſent Seſſion of the ſaid Parliament, to ſtand and have the force and ſtrength of Laws, ſuch like as any Acts and Statutes of any preceding Parliaments in any time by-gone: And ordaines the ſame to be publiſhed and printed, notwithſtanding of the continuation thereof to the day foreſaid.

ACTS

ACTS
DONE AND PAST
AT EDINBURGH, NOVEMBER
The nineteenth 1640.

ACT ANENT THE ELECTION OF *Robert* Lord *Burghly* to be Preſes of this meeting of Eſtates in Parliament.

THE Eſtates of Parliament preſently conveened by his Majeſties ſpeciall authoritie, this nineteenth day of November 1640. years. To the which day the Parliament was continued by the laſt Act of the laſt Seſſion thereof, the 11. of June 1640. did unanimouſly elect and chooſe *Robert* Lord *Burghly* to be Preſident of this their meeting of Eſtates in Parliament.

ACT I.

ACT ANENT THE CONTINUATION Of the Parliament, to the 14. of Januarie 1641. years, with continuation of daies.

THE Eſtates of Parliament preſently conveened by his Majeſties ſpeciall authoritie, yet as of before, continues this preſent Parliament, and all ſummonds and actions intended or depending, with all other matters belonging to the ſaid Parliament, to the fourteenth day of Januarie next to come, with continuation of dayes. At the which day, or ſooner, as the Committee of Eſtates and Quorums thereof, both in the Countrie and at the Armie, ſhall appoint, Ordaines the whole Eſtates to be preſent, and to attend at Edinburgh, or where it ſhall happen the ſamine to be appointed to be holden for the time. And in the mean time declares the ſaid

Parliament to be current to the day foreſaid. And ordaines the whole acts and ſtatutes made and concluded in plain Parliament, in the laſt ſeſsion thereof, in June laſt by-paſt, to ſtand and have the force and ſtrength of laws and acts, conforme to the tenours thereof, ſuch like as any acts and ſtatutes of any preceding parliaments in any time bygone: And namely (but prejudice of the generalitie foreſaid) the act of Committee of the Eſtates, to ſtand in full force ay and while it be diſcharged by the Eſtates. And ordaines the foreſaid acts, with the act of election of the ſaid *Robert* Lord *Burghly* to be Preſes at this meeting of Eſtates, together with this preſent act of continuation, to be publiſhed and printed, conforme to the laſt act of continuation, bearing date the eleventh of June laſt, notwithſtanding of this preſent continuation of the Parliament to the day above-written.

ACTS DONE AND PAST AT EDINBURGH, Januarie 14. 1641.

ACT ANENT THE ELECTION OF *Robert* Lord *Burghly* to be Preſes of this meeting of Eſtates in Parliament.

THE Eſtates of Parliament preſently conveened by his Majeſties ſpeciall authoritie, this fourteenth day of Januarie 1641. years: To the which day the Parliament was continued by the laſt act of continuation thereof, dated the 19. of November 1640. years, did unanimouſly elect and chooſe *Robert* Lord *Burghly* to be Preſident of this their meeting of Eſtates in Parliament.

ACT II.

ACT ANENT THE CONTINUATION Of the Parliament to the 13. day of April, 1641. years, with continuation of daies.

THE Eſtates of Parliament preſently conveened by his Majeſties ſpeciall authoritie, yet as of before, continues this preſent Parliament, and all ſummonds and actions intended or depending, with all ſupplications, grievances, and other matters belonging to the ſaid Parliament, to the thirteenth day of April next to come, with continuation of dayes: And that for ſatisfaction of his Majeſties gracious deſire, ſignified by his Majeſties letter directed to the

the Eſtates to that effect, bearing date the laſt of *December* 1640. And alſo for ſundry grave and weighty conſiderations, concerning the weal of the Eſtate, Kirk, and Kingdome, known to the Eſtates. At the which 13. day of *April*, ordains the whole Eſtates to be preſent, and to attend at *Edinburgh*, or where it ſhall happen the ſamine to be holden for the time, But prejudice alwaies of the power granted to the Cõmittees of Eſtate, contained in the Act of this preſent Parliament made thereanent, dated the 11. day of *June* laſt, and mentioned in the laſt Act of continuation thereof, bearing date the 19. of *November* 1640. And in the mean time, the Eſtates declares the ſaid Parliament to be current to the effect above-written unto the day foreſaid, with continuation of dayes, and ordaines the whole Acts and Statutes made and concluded in plaine Parliament in that Seſſion thereof in *June* laſt by-paſt, together with all former Acts of continuation made by the ſaid Eſtates, to ſtand and have the force and ſtrength of Laws and Acts, conform to the tenours thereof, ſuch like as any Acts and Statutes of any preceding Parliaments in any time by-gone: And namely (but prejudice of the generalitie foreſaid) the Act of Committee of the Eſtates to ſtand in full force in all the clauſes thereof, aye and while it be diſcharged by the Eſtates, And ordaines the foreſaids Acts, with the Act of Election of *Robert* Lord *Burghlie*, to be preſes at this meeting of Eſtates, together with this preſent Act of continuation, to be publiſhed and printed, conforme to the laſt Act of continuation of the date foreſaid, notwithſtanding of this preſent continuation of the Parliament to the day above-written.

ACTS DONE AND PAST AT EDINBURGH, Aprill 13. 1641.

ACT ANENT THE ELECTION OF *Robert* Lord *Burghly* to be Preſident of this meeting of Eſtates in Parliament.

THe Eſtates of Parliament preſently conveened by his Majeſties ſpeciall Authority, this 13. day of *April*, 1641. years: To the which day the Parliament was continued by the laſt act of continuation thereof, of the date the 14. day of *January* 1641. yeares, Did unanimouſly elect and chuſe *Robert* Lord *Burghly* to be Preſident of this their meeting of Eſtates in Parliament.

ACT III.

ACT ANENT THE CONTINUATION OF The Parliament to the 25. day of *May* 1641. yeares, with continuation of dayes.

THe Eſtates of Parliament preſently conveened by his Majeſties ſpeciall authoritie, yet as of before, continues this preſent Parliament, and all ſummonds and actions intended or depending, with all ſupplications, grievances, and other matters belonging to the foreſaid Parliament, to the twenty fifth day of *May* next to come, with continuation of dayes: And that for ſatisfaction of his Majeſties gratious deſire ſignified by his Majeſties letter, direct to the Eſtates to that effect, bearing date 23. *March* 1641. And alſo for ſundry grave and weighty conſiderations, concerning the weal of the Eſtate, Kirk, and Kingdome, known to the Eſtates. At the which twenty fifth day of *May* next to come, ordaines the whole Eſtates to be preſent, and to attend at *Edinburgh*, or where it ſhall happen the ſamine to be holden for the time, But prejudice alwayes of the power granted to the Committees of Eſtate, contained in the Act of this preſent Parliament made thereanent, dated the eleventh day of *June* laſt, and mentioned in the two laſt Acts of continuation thereof, the one bearing date the 19. of *November* 1640. and the other bearing date the 14. of *January* laſt by-paſt 1641. And in the meantime, the Eſtates declares the ſaid Parliament to be current to the effect above-written unto the day foreſaid, with continuation of dayes, and ordaines the whole Acts and Statutes made and concluded in plaine Parliament in that Seſſion thereof in *June* laſt by-paſt, together with all former Acts of continuation made by the ſaid Eſtates, to ſtand and have the force and ſtrength of Laws and Acts, conform to the tenours thereof, ſuch like as any Acts and Statutes of any preceding Parliaments in any time by-gone: And namely (but prejudice of the generalitie foreſaid) the Act of the Committee of Eſtates to ſtand in full force in all the clauſes thereof, aye and while it be diſcharged by the Eſtates, And ordaines the foreſaids Acts, with the Act of Election of *Robert* Lord *Burghlie*, to be preſes at this meeting of Eſtates, together with this preſent Act of continuation, to be publiſhed and printed, conforme to the laſt Act of continuation of the date foreſaid, notwithſtanding of this preſent continuation of the Parliament to the day above-written.

ACTS DONE AND PAST AT EDINBURGH.

May 25. 1641.

ACT ANENT THE ELECTION OF *Robert* Lord *Burghly* to be Preſident of this meeting of Eſtates in Parliament.

THE Eſtates of Parliament preſently conveened by his Majeſties ſpeciall Authority, this 25. day of *May*, 1641. yeares: to the which day the Parliament was continued by the laſt act of continuation thereof, of the date the 13. day of April 1641. yeares foreſaid, Did unanimouſly with one uniforme conſent, elect and chuſe *Robert* Lord *Burghly* to be Preſident of this their meeting of Eſtates in Parliament.

ACT IIII.

ACT ANENT THE CONTINUATION Of the Parliament, to the 15. day of *July* 1641. yeares, with continuation of dayes.

THE Eſtates of Parliament preſently conveened by his Majeſties ſpeciall authority, yet as of before, continues this preſent Parliament, and all ſummonds and actions intended or depending, with all ſupplications, grievances, and other matters belonging to the ſaid Parliament, againſt all parties cited or deſired to be ſent home to Scotland as Incendiaries, or cited for other crimes or cauſes, and the former citations and continuations thereof, and this preſent continuation, to continue in the ſame force, ſtrength and effect, as they were at the ſeverall daies of compearances *reſpective*, whereunto they were cited, and as if they had been called, or were now called *per expreſſum*, upon the ſaids ſeverall daies whereunto they were cited *reſpective*, as ſaid is, or upon the ſeverall daies of continuation whereunto this Parliament was continued from time to time, notwithſtanding of the not calling of them publikely in judgment at none of the ſaids dayes, which was no wayes neceſſary to have beene done,

nor to be done, before inſiſting againſt them, in reſpect that they were both cited to ſeverall daies of compearance, with continuation of dayes, & that the Parliament was continued from time to time to certaine other daies alſo, with continuation of dayes, to the fifteenth day of *July* next to come, with continuation of dayes, and that for ſatisfying his Majeſties gracious deſire, ſignified by his Majeſties letter direct to the Eſtates for that effect, bearing date the 18. of *May*, 1641. yeares, And alſo for ſundry grave and weighty conſiderations concerning the weal of the Eſtate, Kirk and Kingdom, known to the Eſtates, But prejudice alwaies to the Eſtates of Parliament, of their undoubted libertie to ſit without prorogation, except they conſent to a prorogation: and that by reaſon that all Acts of prorogation of Parliament, are Acts of Parliament, and no Acts of Parliament can be made without conſent of the Eſtates conveened and ſitting in plaine Parliament: AT the which fifteenth day of *July* next to come, ordaines the whole Eſtates to be preſent and to attend at *Edinburgh*, or where it ſhall happen the ſamine to be holden for the time: And ſuch like ordaines his Majeſties Advocate and Procutors of Eſtate, all and every one of them to compeare and attend, and to inſiſt as they ſhall be commanded by the Eſtates, againſt whatſoever perſons indited or to be indited, And diſcharges the ſaid Advocate and Procutors, & every one of them to conſult with, or take upon hand, directly or indirectly, to defend any who ſhall ſeek their adviſe for pleading or maintaining them in any ſort, againſt any purſuit moved, or to be moved againſt them in Parliament, for any crime againſt the publick, or to give any information for that effect: And that becauſe it is incumbent to the Kings Majeſties Advocate and Procutors of Eſtate to purſue all who happens from time to time to be cited to the Parliament for any offence againſt the publike, and no wayes to take their Patrocinie: but prejudice likewiſe of the power granted to the Committees of Eſtate, contained in the Act of this preſent Parliament, made thereanent, dated the 11 of *June* laſt, and mentioned in the three laſt Acts of continuation thereof: The firſt dated the 19. *November* 1640. the ſecond the 14. of *January* 1641. and the third dated the 13. of *Aprill* the ſame year, 1641. yeeres; And in the mean time the Eſtates declares the ſaid Parliament to be current, to the effect above-written, unto the day foreſaid, with continuation of dayes, and ordaines the whole Acts and Statutes made, and concluded in plain Parliament in that ſeſſion thereof in *June* laſt by-paſt, together with all the former Acts of continuation made by the ſaids Eſtates, to ſtand and have the force and ſtrength of Lawes and Acts, conforme to the tenours thereof, ſuch like as any Acts and ſtatutes of any preceding Parliaments in any time by-gone: And namely (but prejudice of the generality foreſaid) the act of the Committee of Eſtates, to ſtand in full force in all the clauſes thereof, ay and while it be diſcharged by the Eſtates, and ordaines the foreſaids Acts with the Act of election of *Robert* Lord *Burghlie* to be preſes of this meeting of Eſtates, together with this preſent Act of continuation, to be publiſhed and printed, conform to the laſt act of continuation of the date foreſaid, notwithſtanding of this preſent continuation of the Parliament to the day above-written.

ACTS

ACTS

DONE AND PAST IN THE LAST SESSION OF THE SECOND PARLIAMENT OF OUR SOVERAIGN LORD, &c.

Beginning the 15. day of June 1641. and ending the 17. of November, the ſame year, according to the ſeverall dates *reſpective* after ſpecified prefixed thereto.

ACT V.

ANENT THE OATH TO BE GIVEN BY Every member of Parliament. *Auguſt* 18. 1641.

FORSOMUCH as the honour, greatneſſe and happineſſe of the Kings Royall Majeſtie, and the welfare of the Subjects depend on the puritie of Religion, as it is now eſtabliſhed in this Kingdome, the laws, liberties and peace thereof, which ought to be ſought after by all good Chriſtians, loyall Subjects, and true Patriots, And to be furthered and maintained by them againſt all ſuch, as by any meanes, endeavour to ſhake, or ſubvert the ſame. THEREFORE We under-ſubſcribers, and every one of Us, do in the preſence of almightie God promiſe and vow, That in this preſent Parliament We ſhall faithfully and freely, ſpeak, anſwer and expreſſe our ſelves upon all, and every thing which is or ſhall be proponed, ſo farre as we think in our conſcience may conduce to the glorie of God, the good and peace of the Church, and State of this Kingdome, and imploy our beſt indeavours to promove the ſame: And ſhall in no wayes adviſe, voyce nor conſent to any thing, which to our beſt knowledge, we think not moſt expedient and conduceable thereto:

As

as alſo that we ſhall maintaine and defend with our Life, Power, and Eſtate, His Majeſties Royall Perſon, Honour and Eſtate, as is expreſt in our Nationall Covenant: And likewiſe the Power and Priviledges of Parliament, and the lawfull Rights and Liberties of the Subjects, and by all good means and wayes, oppoſe, and indeavour to bring to exact tryall, all ſuch as either by force, practiſe, counſell, plots, conſpiracies, or other wayes, have done, or ſhall do any thing in prejudice of the puritie of Religion, the Laws, Liberties, and Peace of the Kingdome: And further, that we ſhall in all juſt and honourable wayes indevour to preſerve union and peace betwixt the three Kingdomes of *Scotland*, *England*, and *Ireland*, and neither for hope, feare, nor other reſpect ſhall relinguiſh this vow and promiſe.

Read in audience of the Kings Majeſtie and the Eſtates of Parliament, who approve the ſame, and appoint the ſaid oath to be taken by all members of this Parliament, and in all Parliaments hereafter, before they proceed to any act, or determination.

ACT VI.

ACT ANENT THE RATIFICATION OF The Articles of the Treatie, ſuperſcribed by the King, and ſubſcribed by the Preſident of the Parliament.

Auguſt 26. 1641.

OUR Soveraign Lord and Eſtates of Parliament, Ratifies and approves the articles of the large treaty concerning the eſtabliſhing of the peace betwixt the Kings Majeſtie, and his people of Scotland, and betwixt the two Kingdomes of *Scotland* and *England*: And for his Majeſtie and his ſucceſſours perpetually confirmes the ſame, ordaining the ſame in all time comming to have the full force and ſtrength of perfect ſecurity, lawes, and acts of Parliament: Like as his Majeſty, for Himſelf and his Succeſſours, promiſeth, *in verbo Principis*, never to come in the contrary thereof, for any thing therein contained: but to hold the ſame firme and ſtable, and ſhall cauſe it to be truly obſerved by all his Majeſties Lieges according to the tenour & intent thereof for now & ever. Wherof the tenour followes:

WHereas by his Majeſties Royall Wiſedome, and Princely care of the Peace and Happineſſe of his Majeſties Dominions, a Treaty hath beene appointed for removing of all differences raiſed betwixt the two Kingdomes, and betwixt the King and his Subjects of *Scotland*, and for ſetling and aſſuring a firme and bleſſed Peace for all time to come: and a Commiſſion hath been given under the great Seale of *England*, with approbation of both Houſes of Parliament, bearing date 23. of *November* in the 16. yeare of his Majeſties raigne, and in the words following:

CHARLES

CHARLES by the grace of God, King of *Scotland*, *England*, *France*, and *Ireland*, Defender of the Faith, &c. To our Right truſty, and right welbeloved Couſins, *Francis* Earle of *Bedford*, *William* Earle of *Hartford*, *Robert* Earle of *Eſſex*, And to our right truſty, and right welbeloved Couſin and Councellour, *William* Earle of *Salisbury*, And to our right truſty, and right welbeloved Couſin, *Robert* Earle of *Warwick*, And to our right truſty, and right welbeloved Couſin, *John* Earle of *Briſtoll*, And to our right truſty, and right welbeloved Couſin and Counſellor, *Henry* Earle of *Holland*, And to our right truſty, and right welbeloved Couſin and Councellour, *Thomas* Earle of *Berks*, And to our right truſty, and welbeloved, *Philip* Lord *Wharton*, *William* Lord *Paget*, *Edward* Lord *Kimbalton*, *Robert* Lord *Brooke*, *John* Lord *Paulet*, *Edward* Lord *Howard* of *Eſtrick*, *Thomas* Lord *Savil*, and *Francis* Lord *Dunſmore*, Greeting.

Whereas divers of our Subjects of *Scotland*, have by their ſeverall Petitions humbly beſought us, that we would be gratiouſly pleaſed to grant unto them certaine Demands, we repoſing eſpeciall truſt and confidence in your great wiſedomes and fidelities, have named, aſſigned, and appointed you, and by theſe preſents doe name, aſſigne, and appoint you to be our Commiſſioners: and doe hereby give, and grant unto you, or any ten, or more of you, full power, and authority to treat with *John* Earle of *Rothes*, *Charles* Earle of *Dumfermling*, *John* Lord *Loudoun*, Sir *Patrick Hepburne* of *Wauchton*, Sir *William Douglas* of *Cavers*, *William Drummond* of *Riccarton*, *John Smith* Baily of *Edinburgh*, *Alexander Wedderburne* Clerke of *Dundy*, *Hugh Kennedy* Burgeſſe of *Air*, *Alexander Henderſone*, and *Archibald Johnſtoun*, or any of them, Or any other deputed, or to be deputed by our ſaid Subjects of *Scotland*, or nominated on their behalfe; and to take into your ſerious conſideration the ſaid Demands, and compoſe, conclude, and end all differences ariſing thereupon: Or otherwayes, as you, or any ten, or more of you, in your wiſedomes ſhall thinke fit: And whatſoever you our Commiſſioners aforeſaid, or any ten, or more of you ſhall doe in the premiſſes, We doe by theſe preſents ratifie, and confirme the ſame. In witneſſe whereof We have cauſed theſe our Letters to be made Patents. Witneſſe our ſelfe at *Weſtminſter* the three and twentieth day of *November*, in the ſixteenth yeare of our Raigne.

Per ipſum Regem.

AND

AND IN LIKE MANNER, A COMMISSION hath beene granted by the Committees of the Parliament of *Scotland*, bearing date the laſt of *October*, and the 4 day of *November*, 1640. and in the words following:

Ee the Commiſſioners of the Parliament of Scotland, being a full number of both the *Quorums* thereof, under-ſubſcribing: Forſomuch as the Kings Majeſty, our dread Soveraign hath been graciouſly pleaſed, upon our humble ſupplications, to appoint a Treaty, and Conference at Rippon betwixt our Commſſioners, choſen, and ſent by Us for that effect, and a number of the Peeres of England, who accordingly met, and have accorded upon certain Articles, as well anent the maintenance of our Armie, as anent the ceſſation of Arms during the Treatie. And becauſe the time for the enſuing Parliament of England could not permit the Treaty to come to the wiſhed concluſion there, his Majeſtie was therefore likewiſe pleaſed to tranſ-ferre the ſaid Treatie to *London*, where the ſaid Parliament is to hold, that there theſe entruſted by his Majeſtie, and Eſtates of Parliament, may have the better time and place to treat, and conclude thereanent.

Therefore Wee the ſaid Commiſſioners, being a full number of both *Quorums* thereof under-ſubſcribing, by vertue, and conforme to the Commiſſion granted to us by the Eſtates of Parliament, doe not onely approve the ſaid Articles already agreed upon, and ſubſcribed by our ſaid Commiſſioners at *Rippon*, but alſo doe by theſe preſents give full power, warrant & Commiſſion to *John* Earle of *Rothes*, Lord *Leſley*, *&c.* *Charles* Earle of *Dumfermling*, Lord *Urquhart* and *Fuby*, *&c.* *John* Lord *Loudoun*, Sir *Patrick Hepburne* of *Wachtoun*, Sir *William Douglas* of *Cavers*, *William Drummond* of *Riccarton*, *John Smith* of *Edinburgh*, Mr. *Alexander Wedderburne* of *Dundy*, and *Hugh Kennedy*, of *Air*, as members of the Eſtates of Parliament. And becauſe many things may occurre, concerning the Church, and Aſſemblies thereof: Therefore beſides theſe of the Eſtates we nominate, and appoint Mr. *Alexander Henderſone*, and Mr. *Archibald Johnſtoun*, whom we adjoyne for that effect; With power to them, or any ſeven of them, there being alwayes two of every Eſtate, to paſſe to the ſaid City of *London*, and there, or at any other place convenient (mutually to be agreed upon) to meet, and conveen with any who ſhall be appointed by his Majeſty, and Eſtates of Parliament of *England* for the foreſaid Treaty, giving, granting, and committing; like as we by theſe preſents give, grant, and commit to them in manner foreſaid, full power, warrant, and commiſſion to treat, conſult, adviſe, determine, and agree, as well anent the ſatisfying, and granting of our Demands, as in obtaining, and ſecuring a ſetled peace for all time comming, conforme to the inſtructions given to them herewith, or which ſhall be ſent to them hereafter by us, or any

one

one of the ſaid *Quorums* at the Campe of *Edinburgh* thereanent. With power to them, as ſaid is, to do every thing which may conduce for the better and eaſier obtaining of our ſaid demands, and eſtabliſhing a ſetled peace, conforme to the ſaid particular inſtructions, in ſuch like manner as we might do if we were all perſonally preſent our ſelves in full number, promiſing to hold firme and ſtable all, and every thing our ſaid Commiſſioners in manner foreſaid ſhall do in the Premiſſes, conforme to the ſaid inſtructions. And in caſe it ſhall be found expedient, or neceſſary to adde any more Commiſſioners to the foreſaid perſons, theſe who ſhall ſo be ſent, authorized under our hands, or the full number of any of the ſaid *Quorums*, ſhall have a like power, and Commiſſion by vertue of theſe preſents with the fore-named Commiſſioners, in ſuch like manner, as if their names were particularly expreſt herein. In witneſſe whereof theſe preſents are ſubſcribed at *Newcaſtle* and *Edinburgh* the laſt of *October*, and 4. of *November*, 1640.

SIC SUBSCRIBITUR.

Rothes.	*Jo. Cooper.*	*James Scot.*
Montroſe.	*Thomas Hope.*	*Gorterfield.*
Caſsils.	*Ricccarton.*	*Hume.*
Lothian.	*Caprinton.*	*Hammilton.*
Lyndeſay.	*Gaitgirth.*	Mr. *Will. More.*
Balmerino.	*Dundas.*	*Ja. Sword.*
Naper.	*Edward Edgar.*	*Hew Kennedy.*
Burghly.	*Rich. Maxwell.*	*Rutherfoord.*

And foraſmuch as by vertue of the ſaid Commiſsions, the Commiſsioners therein authoriſed, have treated, and by the aſsiſtance and bleſsing of God have agreed upon the heads, and articles following.

ARTICLES OF THE LARGE TREATY concerning the eſtabliſhing of the peace betwixt the Kings Majeſtie, and his people of *Scotland*, and betwixt the two Kingdomes, agreed upon by the Scottiſh and Engliſh Commiſſioners, at the City of *Weſtminſter*, the ſeventh day of *Auguſt* 1641.

THE SCOTTISH COMMISSIONERS (having given in the Declaration following, *viz.* WEE doe ſtill in all Loyalty, as becomes humble and duetifull Subjects, acknowledge our dependency upon his Majeſty as our dread Soveraign, whether his Majeſty live in *Scotland* or *England*, and ſhall alwayes, and in all things witneſſe our high reſpects and beſt affections to the Kingdome and Parliament of *England*, according to the ſtrong bonds of nature and religion,

religion, by which the two Kingdomes are joyned under one Head and Monarch: yet as wee are fully assured that the Kingdome and Parliament of *England*, is for the present farre from any thought of usurpation over the Kingdome and Parliament of *Scotland*, or their Lawes and Liberties: so, for the preventing the misunderstanding of the Posterity and of Strangers, and for satisfying the scruples of others not acquainted with the nature of this Treaty and the manner of our proceedings, which may arise upon our comming into *England*, and our treating in time of Parliament; We [illegible] by these declare and make known, that neither by our Treaty with the *English*, nor by seeking our peace to bee established in Parliament, nor any other actions of ours, doe wee acknowledge any dependency upon them, or make them Judges to us or our Lawes, or any thing that may import the smallest prejudice to our Liberties, but that wee come in a free and brotherly way by our informations to remove all doubts, that may arise concerning the proceedings of our Parliament, and to joyne our endeavours in what may conduce for the good and peace of both Kingdomes, no otherwise then if by occasion of the King his residence in *Scotland* Commissioners in the like exigence should be sent thither from *England*) DID DEMAND, that his Majesty would bee graciously pleased to command that the Acts of the late *Parliament* may bee published in his Highnesse name as our Soveraign Lord, with consent of the Estates of *Parliament* conveened by his Majesties authority.

WHEREUNTO it is answered and agreed, That for as much as the Kings Majesty, at the humble desire of his Subjects, did call and conveen a *Parliament* to be holden at *Edinburgh* the 2. of *June*, 1640. wherein certain Acts were made and agreed upon, which Acts his Majestie (for the peace and good of his Kingdome) is pleased to publish in his owne name with consent of the Estates, and therefore commands that the said Acts bearing date the 11. day of *June*, 1640. be published with the Acts to be made in the next Session of the same *Parliament*: and that all the said Acts, aswell of the precedent as of the next Session, to be holden, have in all time comming the strength of Lawes, and to be universally received, and obeyed by all the Subjects of the Kingdome of *Scotland*.

His Majesty doth in the word of a King promise the publishing of the said Acts in such sort as is above specified.

As for the manner of publishing the said Acts, his Majesty approves that the Declaration of the Estates in the beginning of the Acts, and the conclusion at the end, may be past in silence at the publishing of the Acts, and left out in the printed Copies: And if any thing shall further occurre concerning the manner of publishing the said Acts, his Majesties Commissioner may then offer it to the Estates to be considered of, his Majesty being most assured that the Estates of *Parliament* will have a great care not to suffer his Majesties authority to be prejudiced in the managing of these great affaires. *Tertio Decembris*, 1640.

THE SECOND DEMAND, that the Castle of *Edinburgh*, and other strengths of the Kingdome should, with the advice of the Estates of *Parliament*, according to their first foundation be furnished, and used for

for defence and ſecurity of the Kingdome. Is Agreed Unto.

The Third Demand, that Scottiſh men within his Majeſties Dominions of England and Ireland, may be freed from cenſure for ſubſcribing the Covenant, and be no more preſſed with oathes and ſubſcriptions unwarranted by their Lawes, and contrary to their Nationall oath and Covenant approved by his Majeſty.

It is thereto anſwered and agreed in his Majeſties name, upon *Decemb.* 8. 1640. That as his Majeſty hath granted your firſt and ſecond Demands, ſo doe we in his Majeſties name anſwer to the third: That all theſe who in his Majeſties Dominions of England or Ireland have been impriſoned, forfeited, or cenſured any other way for ſubſcribing of the Covenant, or for refuſing to take any other Oath contrary to the ſame, ſhall be freed of theſe cenſures, and ſhall be fully reſtored to their Liberties, Eſtates, and Poſſeſſions. And for time comming, that the Subjects of Scotland, as Subjects of Scotland, ſhall not be conſtrained to any oath contrary to the Lawes of that Kingdome, and the Religion there eſtabliſhed: but ſuch of the Kingdome of Scotland as ſhall tranſport themſelves into the Kingdome of England or Ireland, and there be ſetled Inhabitants, either by way of having inheritance or free-hold, or by way of ſetled Trades (by which the way of trading of the Factors of Merchants, nor of Merchants themſelves is not to be underſtood) ſhall be ſubject to the Lawes of England or Ireland, and to the oathes eſtabliſhed by the Lawes, and Acts of Parliament in the ſaid Kingdomes reſpectively, wherein they live, and have their ordinary and conſtant reſidence, and not otherwayes. And the Engliſh and Iriſh ſhall have the like Priviledge in Scotland, 8. *Decembris*. 1640.

To the fourth Demand, craving that his Majeſty may be graciouſly pleaſed to declare, as an Act of *Royall Juſtice*, ſerving much to his owne Honour, for the eſtabliſhing of his Throne, and for the good and Peace of both Kingdomes, That whoſoever ſhall be found upon *Tryall* and *Examination* by the Eſtates of either of the two *Parliaments* (they judging againſt the Perſons ſubject to their owne *Authority*) to have been the Authors and Cauſers of the late and preſent troubles and combuſtion, whether by labouring to make, and foment Diviſion betwixt the King and his People, or betwixt the two Nations, or any other way, ſhall be liable to the Cenſure and Sentence of the ſaid Parliaments reſpectively, Conforme to the Paper of *Decemb.* 9. 1640.

It is anſwered, upon the 11. of *Decemb.* 1640. That his Majeſty beleeveth he hath none ſuch about him; And therefore concerning that point, he can make no other Declaration, then that he is juſt, and that all his Courts of Juſtice are free and open to all men. His Parliament in this Kingdome is now ſitting, and the current Parliament of Scotland neere approaching the time of their meeting, To either of which, hee doth not prohibite any of his Subjects to preſent their juſt grievances, and complaints, of whatſoever nature, each medling, and judging againſt the Perſons, ſubject to their own Authority. 11. *Decembris* 1640.

It is further anſwered upon the ſaid 11. of *December*, 1640. To your fourth Demand, Concerning Incendiaries, that his Majeſty beleeveth, he hath none ſuch about him: Therefore, concerning that point, he can

make no other Declaration, then that he is juſt, and that all his Courts of Juſtice are to bee free and open to all men. His Parliament in this Kingdome is now ſitting, and the current Parliament of Scotland neere approaching the time of their meeting; in either of which *reſpective*, he doth not prohibite the Eſtates to proceed in trying and judging whatſoever of his Subjects.

And whereas it was further demanded, that as his Majeſty would not hinder any of his Subjects to be tried and judged by the Parliament: ſo that none after the Sentence of the Parliament ſhould have acceſſe to his Majeſty, or be maintained, and enjoy Places or Offices, and have credit or authority to informe and adviſe his Majeſty, Conforme to the Paper of *December* 23. 1640.

It is declared in his Majeſties name, upon *December* 30. 1640. Beſides his Majeſties former Anſwers, His Majeſty hath commanded us to declare in his Name, That he will not imploy any Perſon or Perſons in Office or Place that ſhal be judged incapable by ſentence of Parliament: Nor wil he make uſe of their ſervice without the conſent of Parliament, nor grant them acceſſe to his Perſon, whereby they may interrupt, or diſturbe that firme Peace, which he now ſo much deſireth, he being confident that they will proceed in a faire & juſt way, and (according to their ſeverall profeſſions) with that reſpect to his honour, which in reaſon he may expect from good and dutiful Subjects: 30. of *Decemb.* 1640.

The fifth Demand, That their ſhips and goods, and all Dammage thereof may be reſtored.

Is condeſcended unto, and to be reciprocal, That all Ships and Goods taken at Sea or ſtayed in Ports, with dammage bee reſtored on both ſides. And that ſome ſummary courſe be agreed upon for the performance thereof upon the Demands of the particulars on both ſides, Conforme to the Paper of *December* 30. 1640.

And further it was agreed upon the 7. of *Januarie*, 1641. *Stilo Scotico* That all Ships taken and ſtayed ſhould be reciprocally reſtored on both ſides, And that the Scottiſh Commiſſioners having informed that about foureſcore Ships of Scotland are yet ſtayed in the Ports, and are like to ſuffer much further loſſe and dammage, if they ſhall not be delivered into ſome hands who may have care of them: It is agreed, for the more ſpeedy expedition of the Scottiſh Ships, and that the owners thereof be not longer damnifyed by the want of them, that warrants ſhall bee preſently granted for delivery of all their Ships, and that foure thouſand pounds be preſently advanced for Cauking, Sailes, Cordage, and other neceſſaries for helping the preſent ſetting forth of the ſaid Ships: And for the reſt of this Article, when it ſhall come in the ſixt Demand, it ſhall be agreed unto, 7. of *Januarie*, 1641. *Stilo Scotico*.

To the ſixth Demand, concerning the loſſes which the Kingdome of Scotland hath ſuſtained, and the vaſt charges they have been put unto by occaſion of the late troubles, and the reparation deſired from the Juſtice, and kindneſſe of the Kingdome of England towards reliefe thereof, in manner, and upon the ground expreſt in the Paper of the 7. of *Januarie*, 1641. *Stilo Scotico*.

It is anſwered, that this Houſe thinks fit that a friendly aſſiſtance,

and

and relief ſhall be given, towards ſupply of the loſſes & neceſſities of the *Scots*, & that in due time this Houſe wil take into conſideration the meaſure & maner of it, Conform to the paper 22. of *Jan.* 1641. *Stilo Scotico*.

And further, the Parliament upon the 3. of *February* did declare, that they did conceive, that the ſumme of three hundred thouſand pounds is a fit proportion for the friendly aſſiſtance, and relief formerly thought fit to be given towards ſupply of the loſſes, and neceſſities of their Brethren of *Scotland*, and that the Houſe would in due time take into conſideration the manner how, and the time when the ſame ſhall be raiſed, Conforme to the Paper of the 3. of *Febr.* 1641. *Stilo Scotico*, and given in to the Treaty upon the 5. of the ſaid Moneth.

And whereas it was deſired by the Scottiſh Commiſſioners, that the Engliſh Commiſſioners would let them know from the Parliament, the ſecurity, manner, and termes of Payment of the foreſaid ſumme of three hundred thouſand Pounds, and of the *Arrears* due for reliefe of the Northerne *Counties*, It was agreed unto by warrant, and order of the Parliament, that they ſhould have foureſcore thouſand Pounds, as a part of the foreſaid ſumme of three hundreth thouſand pounds, with the whole *Arrears* due to the Army, before the diſbanding thereof, Conforme to the Paper of the 26. of *May*, 1641. and given in to the Treaty upon the 27. of the ſaid Moneth.

And concerning the ſecurity for paying of the remnant of the ſaid ſum of three hundred thouſand pounds, which is Arreare, extending to 200 and 20000 Pounds, It is reſolved, and agreed unto by both Houſes of *Parliament*, That an act of *Parliament* of publike Faith ſhall paſſe for ſecurity thereof, And that one moity, or equall halfe of the ſame, extending to one hundred and ten thouſand Pounds, ſhall be payed at *Midſommer, in Anno* 1642. And the other moity, or equall halfe thereof to be payed at *Midſommer, in Anno* 1643. as the order of the houſes of *Parliament*, of the 19 & 25. daies of *June* 1641. doth more fully purport.

And in like maner, whereas it was deſired by the Scottiſh Commiſſioners, that they might know to whom they ſhould addreſſe themſelves, for payment of the ſummes at the dayes appointed by the Parliament, Conform to the Parliaments determination of the 19. of *June*: Secondly, at what place the payment ſhould be made: Thirdly, that a ſafe conduct may be granted for the ſecure tranſporting of the moneys to Scotland, at the times of the payment agreed upon.

It is anſwered and reſolved by the Parliament, That theſe Earles, Lords and Commiſſioners following, ſhall be the perſons to whom the Scots ſhall addreſſe themſelves for the receiving of the ſummes at the dayes appointed by the Parliament; Earl of *Bedford*, Earle of *Eſſex*, Earle of *Warwick*, Earle of *Holland*, Earle of *Stanford*, Lord *Wharton*, Lord *Mandevill*, Lord *Brook*, Mr. *Martin*, Sir *Thomas Barrington*, Mr. *Capell*, Sir *Ar. Ingram*, Sir *Gilbert Gerrard*, Sir *Robert Pye*, Mr. *H. Bellaſis*, Sir *Walter Earle*, Sir *William Litton*, Sir *Henry Mildmay*, Sir *Thomas Cheek*, Sir *John Strangewayes*, Mr. *Arthur Goodwine*, Mr. *Hampden*, Alderman *Soam*, Alderman *Pennington*.

Reſolved upon the queſtion, That the place of payment ſhall be the Chamber of London. Reſolved upon the queſtion, that a ſafe conduct

ſhall be granted for the ſecure tranſporting of the moneyes to Scotland, at the termes of Payment agreed upon at the charge of the Scots, Conforme to the Paper, *June* 22. 1641. yeares.

To the ſeventh Demand, deſiring that as his Majeſtie hath approved the acts of the late Parliament, wherein all ſuch Declarations, Proclamations, Books, Libels, & Pamphlets as have bin made, written, or publiſhed againſt his loyal and dutifull ſubjects of Scotland, are re-called, and ordained to be ſuppreſſed, and deſtroyed, So his Majeſty may be pleaſed to give order that the ſame may be ſuppreſſed, recalled, & forbidden in England and Ireland, and that the loyalty, integrity, and faithfulneſſe of his Majeſties ſubjects of Scotland towards his Majeſties Royall Perſon & Government, may at the cloſing of this Treaty of Peace, and at the time of publick thankſgiving for the ſame, be made known in all places, and all Pariſh Churches of his Majeſties Dominions. This was the more earneſtly deſired, & confidently expected from his Majeſties Juſtice & goodneſſe, Becauſe no calamity or diſtreſſe hath ſo ſore vexed, or ſo deeply wounded the hearts of his Majeſties Subjects, as that their loyalty and love towards their Native King ſhould have been controverted, & by the malignancy of bad Inſtruments brought into ſuſpition; And becauſe they unfainedly deſire, & pray for his Majeſties happineſſe, and are reſolved by all meanes, and at all occaſions to deny themſelves, and what they have for his Majeſties Honour: As is more fully contained in the Paper of the 8. of *February* 1641. *Stilo Scotico.*

It is anſwered upon the 10. of *February* 1641. *Stilo Scotico.* We do agree, that all declarations, proclamations, acts, books, libels, and pamphlets that have been made, & publiſhed againſt the loyalty & dutifulneſſe of his Majeſties ſubjects of Scotland, ſhal be recalled, ſuppreſſed, & forbidden in England & Ireland. And that this be reciprocall in Scotland, if any ſuch have bin made, or publiſhed there in prejudice of his Majeſties honour: And this upon diligent inquiry to be done by the authority of the Parliament next ſitting in Scotland, of which the Commiſſioners of Scotland doe promiſe to have an eſpecial care: And we do alſo agree, that when it ſhall pleaſe Almighty God to grant a happy cloſe of this Treaty of Peace, the loyalty of his Majeſties ſaid Subjects ſhall be made known at the time of publick thankſgiving in all places, & particularly in the Pariſh Churches of his Majeſties Dominions. Unto which we are the rather induced, for that you expreſſe how deeply it hath wounded the hearts of his Majeſties ſaid Subjects, that their loyalty & love to his Matie their native King ſhould be brought in queſtion, & ſuſpition: Wheras they unfainedly deſire & pray for his Majeſties happines, & are reſolved by all means, & at all occaſions to deny themſelves, & what they have, for his Majeſties honor, 10. *Febr.* 1641. *ſtilo ſcotico.*

Concerning the eighth Demand, for an happy and durable Peace, which is the chiefeſt of all our deſires, and unto which all the former ſeven Articles being now agreed upon, are as many Preparations.

We do firſt of all deſire, that all monuments, tokens, & ſhews of hoſtility upon the borders of the two kingdoms may be taken away, & that upon the reaſons & conſiderations particularly expreſt in the paper, of the 10. of *Febr.* 1641. *ſtilo ſcotico.* That not only the Garriſons of Barwick, and Carlile may be removed, but that the works may be ſlighted, and the places diſmantled.

It is anſwered, and agreed upon the 14. of *June*, That his Majeſty is deſirous, that all things betwixt the Kingdomes of Scotland and England

land, bee reduced into the ſame ſtate they were in, before the beginning of the late troubles.

And therefore Hee doth give his Aſſent to the advice of the two Houſes of Parliament, that the Garriſons of *Barwicke* and *Carlile*, upon the disbanding of the Scottiſh Army now in *England*, and of all ſuch Forces as are gathered together in *Scotland*, be likewiſe preſently removed: And that the Fortifications of *Barwick* and *Carlile* bee alſo reduced to the ſame condition they were before the late troubles. So that all Fortifications in *Scotland* bee likewiſe put in the ſame condition they were before the ſaid troubles; And that the Workes bee not repaired, but ſuffered to decay, and that the Ordinance, and Ammunition bee removed: And that it bee without prejudice to his Majeſties former grant of the ſecond Demand, Concerning the keeping of the Caſtles of the Kingdome of *Scotland*, 14. of *June*, 1641.

To their deſire concerning unity in Religion, & uniformity of Church-government, as a ſpeciall meanes for conſerving of Peace betwixt the two Kingdoms, upon the grounds and reaſons contained in the Paper of the 10. of *March* given into the treaty and Parliament of *England*.

It is anſwered, upon the 15. of *June*, That his Majeſty, with the advice of both Houſes of Parliament, doth approve of the affection of his Subjects of *Scotland*, in their deſire of having Conformity of Church-government betweene the two Nations, and as the Parliament hath already taken into conſideration the Reformation of church government, ſo they wil proceed therin in due time, as ſhal beſt conduce to the glory of God, the peace of the Church, & of both Kingdoms; 11. of *June* 1641.

To their deſire of the Kings Majeſty, and the Prince their comming, and reſiding ſome times in *Scotland*, upon the reaſons given in, *February* 16. 1641. *Stilo Scotico*.

It is anſwered upon the 9. of *June*, that his Majeſty doth take in good part the ſenſe his Subjects of *Scotland* have of his abſence, and the dutifull expreſſion they make of their deſire to have Him, and the Prince his Sonne frequently among them; and aſſuring himſelfe that they have no other intention in this Demand, but meerely to expreſſe their love to his Perſon, and the welfare of his ancient Kingdome, He declares unto them, that as he ſhall finde the urgency of thoſe affaires require his preſence, and his other conveniences here permit, He will repaire thither, and the Prince his Sonne, ſo farre as he may know and be acquainted with the People there, 9. of *June* 1641.

To the deſire concerning the manner of chooſing and placing of the officers of State, Counſellors, and Seſſioners, within the Kingdome of *Scotland* by advice of the Parliament, upon the grounds and reaſons given in, *March* 15. 1641. *Stilo Scotico*.

It is anſwered the 9. of *June*, in his Majeſties name; We intend nothing more heartily, and really then that our People ſhall be governed by the Laws of the Kingdome, and that all Judges in their ſeverall Judicatories ſhould judge accordingly.

Therefore we wil never allow nor permit, that either Counſellors, officers of State, or Judges be exeemed from our, & our Parliaments tryall and cenſure, for the diſcharging of their duties in their ſeverall offices,

and places: Likewiſe we conceive that nothing will more conduce to the good of our ſervice, and the peaceable and happy government of the Kingdome, then that officers of State, places of Councell and Seſſion, and other Judicatories be provided with honeſt, able, and qualified men. For which end, and becauſe of our neceſſary abſence from that Kingdom, which maketh the qualification of Perſons fit for places leſſe known to us, We ſhal ſo far give eare to the Informations of our Parliament, and when our Parliament is not ſitting, of our Councell, and Colledge of Juſtice, as that we ſhal make choiſe of ſome one of ſuch, as they by cõmon conſent upon the vacancie of the place ſhal recommend unto us: Or if wee ſhall conceive another perſon to bee fitter then any of theſe recommended, wee ſhall make the ſame knowne to the Parliament, or in the time betweene Parliament, to our Councell and Seſſion, that from them wee may be informed of the Qualification and Abilities of the perſon named by us, to the effect, that if by their Information it ſhall appeare to us, that there is juſt exception againſt the life, and qualification of the ſaid party, wee may timely nominate ſome other, againſt whom there ſhall bee no juſt exception.

By which meanes wee doubt not, but that wee ſhall from time to time chooſe ſuch honeſt men, as for their knowne Integrities and Abilities ſhall bee fit to diſcharge their places, and Offices, with that duty and ſufficiency which wee and our Subjects may juſtly expect.

Which intention of ours being now ſo cleerely and fully expreſſed, wee doubt not, but will give good ſatisfaction to our enſuing Parliament.

And as wee never intended to remove juſt and able men from their places in the Colledge of Juſtice: So doe wee now declare for our peoples full ſatisfaction, that their places ſhall be provided unto them, *Quam diu ſe bene geſſerint.*

And if this our Anſwer cannot content the Scottiſh Commiſſioners, Wee doe then remit the whole Anſwer to be conſidered by us, or our Commiſſioner, and the Parliament, at the next ſitting thereof, 9. of *June*, 1641.

To their deſire of placing ſome Scottiſh men of reſpect about the King, and Queenes Majeſties, and the Princes Highneſſe, upon the grounds and reaſons given in the 9. of *Aprill*, 1641.

It is anſwered, His Majeſties goodneſſe, and grace towards his Subjects of *Scotland* in placing them about his owne Perſon, in places of greateſt neereneſſe and truſt, hath beene ſuch, as ought to give them full ſatisfaction of His Royall Affection towards His Subjects of His Native Kingdome.

Therefore, for this point, His Majeſtie needeth onely to aſſure them that hee ſhall continue the ſame care, which hitherto hee hath done for their ſatisfaction in this particular: and not onely ſo, but ſhall alſo recommend the ſame to the Prince his Sonne, that ſucceſſively the Kingdome of *Scotland* ſhall ſo taſte of the care of their Soveraignes, That by the Grace of God, they ſhall never want a ſufficient number of honeſt, and ſufficient perſons of that Nation about the Kings Perſon and Prin-

ces,

ces, againſt whom there ſhall be no juſt exception, the 9. of *June*, 1641.

To their deſire that none may have place about his Majeſty, and the Prince, but ſuch as are of the *reformed Religion*, in manner expreſſed in the paper. 1. *April* 1641.

It is anſwered, His Majeſty doth conceive, that his Subjects of *Scotland* have no intention by this propoſition, (eſpecially by way of demand) to limit, or preſcribe unto him the choice of his Servants, but rather to ſhew their zeal to Religion, wherein his owne piety will make him do therein that which may give juſt ſatisfaction to his people, 9. *June* 1641.

To their deſire given in the firſt of *April*, concerning the Copper Coine.

It is anſwered, Whereas the Scottiſh Commiſſioners have repreſented unto his Majeſty, the great prejudice ſuſtained by the Kingdom of *Scotland*, through the coining of Copper money, which hath paſſed there this long time by-gone, for ſeven times and above as much as the true value and worth thereof, contrary to the continuall cuſtome of that Kingdome, And therefore deſiring that no Copper money bee coined hereafter, without conſent of the Eſtates conveened in Parliament, who may remedy the preſent prejudices the Country ſuſtains thereby: And who upon good conſideration of the neceſſity thereof in time to come, may appoint ſuch a competent proportion as is fit, and as the Countrey ſhall require for the uſe of the poore, and for change in buying and ſelling of commodities, and that the ſame ſhall not paſſe, but according to the intrinſick value thereof, with the allowance of a tenth part or ſuch a proportion as the Parliament ſhall think fit to allow for the impreſſion, and workmanſhip in coyning. His Majeſty is graciouſly pleaſed to recommend to the enſuing Parliament of *Scotland* the whole matter of copper coine, and remits to their conſideration to take ſuch order therein as they ſhall thinke fitting, not onely concerning the copper coine to be coyned hereafter, but alſo the copper money already coyned, how the ſame ſhall take vent, and paſſe in payment in time comming, Conforme to the paper of the ninth of *June*, 1641.

CONCERNING AN ACT OF Pacification and Oblivion.

IT is agreed unto, that in the approaching Parliament of *Scotland* there ſhall be an Act of *Pacification*, declaring that the late commotions, and troubles ariſing from the innovations of *Religion*, and corruption of *Church Government*, by the mercy of God, and the Kings Royall wiſdome, and Fatherly care, are turned into a quiet calme and comfortable *Peace*, leſt either his *Majeſties* love, or the conſtant loyalty of his Subjects in their *Intentions* and *Proceedings* be hereafter called in queſtion, and that ſuch things

things as have falne forth in theſe tumultuous times, while Lawes were ſilent, whether prejudiciall to his Majeſties Honour and Authority, or to the Lawes and Liberties of the Church and Kingdome, or to the particular intereſt of the Subject, (which to examine in a ſtrict court of Juſtice might prove an hinderance to a perfect peace) may be buried in perpetuall Oblivion: So it is expedient for making the Peace and Unitie of his Majeſties Dominions the more firme and faithfull, and that his Majeſties countenance againſt all feares may ſhine upon them all the more comfortably, that an Act of Pacification and Oblivion be made in the Parliaments of all the three Kingdomes, for burying in forgetfulneſſe all Acts of hoſtility, whether between the King and his Subjects, or between ſubject and ſubject, or which may be conceived to ariſe upon the coming of any Engliſh Army againſt *Scotland*, or coming of the Scottiſh Army into *England*, or upon any Action, Attempt, Aſſiſtance, Counſell, or Adviſe having relation thereunto, and falling out by the occaſion of the late troubles preceding the concluſion of the Treaty, and the return of the Scottiſh Army into Scotland, That the ſame, and whatſoever hath enſued thereupon, whether trenching upon the Lawes and Liberties of the Church and Kingdom, or upon his Majeſties Honour and Authority, in no time hereafter may be called in queſtion, nor reſented as a wrong Nationall, or Perſonall, whatſoever be the quality of the perſon, or perſons, or of whatſoever kind or degree, Civill or Criminall, the injury is ſuppoſed to be, and that no mention be made thereof in time coming, neither in judgment, nor out of judgment, But that it ſhall be held, and reputed, as though never any ſuch thing had been thought, nor wrought. And this to be extended, not onely to all his Majeſties ſubjects now living, but to their Heires, Executors, Succeſſours, and all others whom it may concerne in any time to come. And for that end, that by the tenour of this Statute, all *Judges*, *Officers*, and *Magiſtrates* whatſoever, be prohibited and diſcharged of directing of Warrants for citation, proceſſing, or executing any ſentence or judgment upon Record, or any way moleſting any of his Majeſties lieges concerning the premiſſes in all time coming. Like as that his Majeſtie for himſelfe and his Succeſſours, promiſeth *in verbo Principis*, never to come in the contrary of this *Statute* and *Sanction*, nor any thing therein contained, but to hold the ſame in all points, firm, and ſtable, And ſhall cauſe it to be truly obſerved by all His Majeſties Lieges, according to the tenour and intent thereof for now and ever, And that in all time coming theſe preſents ſhall have the full force and ſtrength of a true and perfect ſecurity, as if they were extended in moſt ample and legall forme. Providing that the benefit of the ſaid *Statute* ſhall no wayes be extended to any of the Scottiſh Prelates, or to *John* Earl of *Traquair*, Sir *Robert Spotſwood*, Sir *John Hay*, and Maſter *Walter Balcanquall*, cited and purſued as Incendiaries betwixt the Kingdomes, and betwixt the King and his People, , and for bribery, corruption, and many other groſſe crimes contained in their charges generall and ſpeciall, nor to any other perſons, who are cited, and ſhall be found by the Parliament of Scotland, in his Majeſtie or his Commiſſioners their owne hearing, to be ſo extraordinarily

guilty

guilty of theſe and the like crimes, as they cannot in juſtice, and with the honour of the King, and Countrey, paſſe from them. Provided further that the benefit of this Act ſhall not bee underſtood to extend to the favour of Theeves, Robbers, Murtherers, Broken men, Sorners, Out-lawes, nor their Receptors, With reſervation alſo of the legall purſuits and proceſſes of the Scots in Ireland, for the reparation of their loſſes according to juſtice, againſt ſuch who have illegally wronged and perſecuted them, ſince by one of the Articles of the Treatie they are appointed to be reſtored to their means and eſtate. It is alſo to be underſtood, that nothing is meant hereby to be done in prejudice either of the payment of the debts owing upon promiſe or ſecurity, by the Scottiſh Army to any of the Counties, or to any perſon there, (the ſame being inſtructed before the removall of the Scottiſh Army) or of the Arrears due to the Scottiſh Army, or to that brotherly aſſiſtance granted them by the Parliament of England.

That the great bleſſing of a conſtant and friendly conjunction of the two Kingdomes now united by alleageance, and loyall ſubjection to one Soveraigne and Head, may be firmly obſerved, and continued to all Poſterity, it is agreed that an Act be paſt in the Parliament of England that the Kingdomes of England or Ireland, ſhall not denounce, nor make warre againſt the Kingdome of Scotland, without conſent of the Parliament of England, As on the other part it ſhall be enacted there, that the Kingdome of Scotland ſhall not denounce nor make warre againſt the Kingdoms of England or Ireland, without conſent of the Parliament of Scotland. No ſhips either of the Kings or Free-booters, or others, ſhall ſtop the trade of the Kingdome, or hinder, or harme their neighbour Kingdome without conſent of Parliament declaring a breach of Peace, And if any armies ſhall be levied, or trade ſtopped and Neighbours harmed, or wronged; the States of the Countrey by which it is done to be obliged to purſue, take, and puniſh the offenders with all rigour, And if any of the Kingdomes aſſiſt, receive, or harbour them, they are to be puniſhed as breakers of the Peace, And if after complaint and remonſtrance to the Commiſſioners after mentioned, and to the Parliament, redreſſe, and reparation be not made, then, and in that caſe, the ſame to be counted a breach of the Peace by the whole Kingdome, And in caſe any of the ſubjects of any of the Kingdomes ſhall riſe in arms, or make war againſt any other of the Kingdoms, and ſubjects thereof, without conſent of the Parliament of that Kingdome, whereof they are ſubjects, or upon which they doe depend, that they ſhall be held, reputed, and demained as traitours to the States whereof they are ſubjects, And that both the Kingdomes in the caſes aforeſaid bee bound to concurre in the repreſſing of theſe that ſhall happen to ariſe in Armes, or make warre without conſent of their owne Parliament, And that the way of conveening Forces for ſuppreſſing ſuch as levie warre bee as in caſe of Invaſion, Provided that this bee not extended to particular quarrells upon the borders, And that it bee enacted that in ſuch caſe, It ſhall be lawfull for any of the ſubjects to conveene to ſuppreſſe ſuch evill affected perſons, And that each Kingdome ſhall bee bound by publike faith

faith punctually to performe this Article: And if eyther parliament ſhall denounce warre, they ſhall give three moneths warning.

That the Peace to be now eſtabliſhed may be inviolably obſerved in all time to come, It is agreed, that ſome ſhall be appointed by his Majeſtie, and the Parliaments of both Kingdomes, who in the *interim* betwixt the ſitting of the Parliaments may be carefull that the peace, now happily concluded, may be continued, and who ſhall endeavour by all means to prevent all trouble and diviſion: And if any debate or difference ſhall happen to ariſe to the diſturbance of the common peace, they ſhall labour to remove, or compoſe them according to their power, It being ſuppoſed, that for all their proceedings of this kinde they ſhall be anſwerable to the Kings Majeſtie, and the Parliaments: And if any thing ſhall fall forth, which is above their power, and cannot bee remedied by them, they ſhall informe themſelves in the particulars, and repreſent the ſame to the Kings Majeſtie, and the enſuing Parliaments, that by their wiſedome and authoritie all occaſions, and cauſes of troubles being removed, the peace of the Kingdome may be perpetuall to all Poſteritie. And it is declared, that the power of the Commiſſion ſhalbe reſtrained to the articles of peace in this treatie.

Whereas it is deſired, that an Act may be made in the Parliament of England for ratifying of the Treatie, and all the Articles thereof, which is likewiſe to be ratified in the Parliament of Ireland (which in all the Articles is comprehended under the name of England) and after the Treatie is confirmed in the ſaid Engliſh Parliament, and all other neceſſarie conditions performed, the Armies on both ſides ſhall at a certain day to be appointed for that effect, remove and disband: So that when the Scottiſh Armie ſhall remove from New-caſtle, the Engliſh Armie ſhall likewiſe be disbanded, and repaire home to their ſeverall Countries, and places of their reſidence, and the Iriſh Army to disband before that time, that hereafter a quiet and durable peace may bee kept according to the Articles. And that this Treaty and whole proceedings thereof may be likewiſe ratified in the Parliament of Scotland, and a firme Peace eſtabliſhed, It is deſired, that his Majeſtie may bee graciouſly pleaſed now to declare, That the enſuing Parliament of Scotland ſhall have full and free power, as the nature of a free Parliament of that Kingdome doth of it ſelf import, to ratifie and confirm the Treatie, and whole Articles thereof, and to receive account of all Commiſſions granted by them, examine their proceedings, and grant exonerations thereupon, And to treat, deliberate, conclude and enact whatſoever ſhall be found conducible to the ſettling of the good and peace of that Kingdome. And that his Majeſties Commiſſioners ſhall be authorized with full power to approve whatſoever Acts and Statutes which upon mature deliberation ſhall happen to be accorded unto by the Eſtates in that behalfe, and ſhall ſit and continue without interruption or prorogation, while all things neceſſary for that effect be determined, enacted and brought to a finall concluſion, unleſſe for better convenience of affairs his Majeſties Commiſſioner, with the ſpeciall advice and conſent of the Eſtates ſhall thinke fit to adjourne the ſame to any other time, which ſhall no wayes derogate from the

full

full and perfect concluding of the whole premiſſes, before the ſaid Parliament be diſſolved.

This whole Article is aſſented unto, but in ſo farre as concerns the dayes and circumſtances of disbanding to be agreed upon.

Foraſmuch as the ſeverall juriſdictions, and adminiſtrations of Juſtice in either Realme may be deluded or fruſtrated by delinquents for their owne impunity, if they ſhall commit any offence in the one Realme, and thereafter remove their perſons, and make their abode in the other: Therefore that no perſon ſentenced by the Parliament of either Nation as Incendiaries betwixt the Nations, or betwixt the King and his people, ſhall enjoy any benefit, Civill or Eccleſiaſticall, or have any ſhelter, or protection in any other of his Majeſties Dominions, Like as where Malefactors, and Criminals guilty of the crimes mentioned in the Act of Parliament 1612. *Cap.* 2. and others of that nature, and committed by Scottiſhmen within the Kingdome of England or Ireland, or any part thereof, are taken and apprehended in England or Ireland, that it ſhall be lawfull to the Juſticiars of England or Ireland to remand them to Scotland, as the Act beares: And further, if any Malefactors committing crimes in Scotland, England, or Ireland, being duly proceſſed in the Kingdome where the crimes are committed, and being Fugitives, and remayning in any other of the Kingdomes foreſaid, that the Judges of either Kingdomes ſhall be holden at the inſtance, and ſuit of the party offended, to take and remand the Criminals and Malefactors to the Kingdomes where the Crimes were committed, And the like Act to be made in Scotland, and this Act would be extended as well to debts as crimes: And what further is requiſite concerning this and other particulars, for ſetling of Peace in the middle ſhires, and accelerating Juſtice upon delinquents, both Civill and Criminall, Is to bee conſidered by the Committee to be appointed for that effect.

It is anſwered, that ſuch perſons as ſhall be Natives in either Kingdome, and ſhall commit any offence in the Realme whereof they ſhall be Natives, and ſhall afterwards remove their perſons into the other, and ſuch perſons as ſhall be inhabitants in either Kingdome, and ſhall commit any offence in the Realme, where they ſhall be inhabitants during the time of their habitation there, and ſhall afterwards remove their perſons into the other, and ſhall be for that ſame cenſured by the Parliament of that Nation where the offence was committed, as Incendiaries betwixt the Nations, or betwixt the King and his people, ſhall not enjoy any benefit, Civill or Eccleſiaſticall, or have any protection in any other of his Majeſties Dominions, And that ſuch Scotiſh Natives, incenſing the King of England againſt the Kingdome of Scotland, ſhall be remanded at the deſire of the Scottiſh Parliament into Scotland to abide their tryall and cenſure there, ſo that the ſame be reciprocall to both Nations, but other Criminalls and Debts to be referred to the Laws.

THE

THE PROPOSITIONS AND ARTICLES Given in by the Scots Commiſſioners, after the Lord Loudoun his return from the Parliament of Scotland.

THat the Treatie of Peace may bee brought to a ſpeedy and happy cloſe, wee did offer to your Lordſhips conſideration the particulars following:

1 That ſo ſoone as the Scottiſh Army ſhall remove out of England to Scotland, the Engliſh Garriſons of Barwick and Carlile ſhould remove, *ſimul & ſemel*.

2 Leſt Malefactors, who have committed Theft, Murther, and the like crimes, crave the benefit of the Act of Pacification and Oblivion, (for whom it is no wayes intended) there would be an exception from the ſaid Act of all Legall purſuit intended or to be intended within the ſpace of an yeere after the date of the Treaty. Again, all Theeves, Sorners, Out-laws, Fugitives, Murtherers, Broken men, or their Receptors for whatſoever Theft, Reifs, Harſhips, Oppreſſions, Depredations, or Murther done or committed by them, and all lawfull Decrees given, or to be given by the Parliament, or any Commiſſioners to be appointed by them for that effect, who ſhall have power to dignoſce and take cognition, whether the ſame fals within the ſaid Act of Pacification and Oblivion, or not.

3 It is deſired, that the demand concerning the not making or denouncing of warre with Forraigners, without conſent of both Parliaments, may be condeſcended unto by the King and Parliament of England, which is ordinary and univerſally obſerved in all mutuall Leagues which are both defenſive and offenſive. And becauſe the wars denounced by one of the Kingdomes with Forraigners, although made without conſent of the other Kingdome, will ingage them by neceſſary conſequence, or if the conſideration of that Propoſition ſhall require longer time then the preſent condition of the important affaires of the Parliament may permit, and leſt the ſpeedie cloſe of the Treaty bee thereby impeded, It is deſired, that this Demand, with the two other Articles of the ſame nature, the one concerning Leagues and Confederations, and the other concerning mutuall ſupply in caſe of forreigne invaſion, may all three be remitted to Commiſſioners, to be choſen by both Parliaments, who ſhall have power to treat and adviſe thereupon for the good of both Kingdomes, and to report to the Parliaments *reſpectivè*.

4 It is deſired, That the Articles concerning Trade and Commerce, Naturalization, mutuall Priviledge and Capacity, and others of that nature already demanded, may be condeſcended unto by the King and Parliament of England, And namely, that demand about the preſsing of ſhips or men by Sea or Land: Or if ſhortneſſe of time and exigencie of affaires may not permit the preſent determination of theſe Demands, It is deſired that the ſame (except ſo many of them as are already agreed unto by the Commiſsioners for Trade) may be remitted to the Commiſsioners to be choſen by both Parliaments, who ſhall have power to treat and adviſe thereof for the good of both Kingdomes, And to make report

report to the Parliaments respectively. And that the Charters or Warrants of the *Scottish* Nation for freedome of shipping in *England* or *Ireland*, from all Customes, Imposts, Duties, and Fees, more then are payed by the Natives of *England* and *Ireland*, granted by King *James* under the broad Seal of *England*, upon the eleventh of *April*, the thirteenth yeere of his Reigne, and confirmed by King *Charles*, the nineteenth of *April*, the eighth yeere of his Reigne, may be ratified and enacted in the Parliament of *England*.

5. That the extracts of Bands and Decreets put upon Record and Register in *Scotland*, may have the like faith and execution as the *French Tabelliones* have in *England* or *Ireland*, seeing they are of alike nature, and deserve more credit: and if this cannot be done at this time, that it be remitted to the former Commission from both Parliaments.

6. The manner of safe conduct for transporting the money from *England* to *Scotland* by Sea, or Land, would be condescended upon in such a way as the charges be not exorbitant.

7. The tenour of the Commission for conserving of peace would be condescended unto, together with the times and places of meetings, and whole frame thereof: the draught whereof, when it is drawn up in *England*, is to be represented to the Parliament of *Scotland*, that they may make like Commission, and name their Commissioners for that effect.

8. The Parliament of *Scotland* doe joyne their earnest & hearty desire, and crave the Parliament of *Englands* concurrence, that none be in place about the Prince his Highnesse, but such as are of the reformed religion.

9. That an Act of Parliament of publike faith for payment of the 220000. pounds of the brotherly assistance which is arrear, may be presently framed, and expedited according to the termes agreed upon.

10. It is desired, that the *Quorum* to whom the *Scots* should addresse themselves for payment of 220000. pounds, be condescended upon.

11. That the order for recalling all Proclamations &c. made against his Majesties subjects of *Scotland*, be drawn up, and intimated in due forme and time, with the publick thanksgiving at all the Parish Churches of his Majesties Dominions.

12. It is desired, that the Articles concerning the Castle of *Edinburgh*, and other strengths of that Kingdom may be understood to be, that the same shall bee disposed of for the weale of the Kingdome, as the King and Parliament shall think expedient.

THE ENGLISH LORDS COMmissioners answer.

1 THat upon the disbanding of the *Scottish* Army, the Garrisons of *Barwick* and *Carlile* shall be removed, according to the Article of the Treatie on that behalfe.

2 The second Article is condescended unto, according to the provision added to the Act of Oblivion and Pacification.

3. 4. 5. 6. The third demand concerning the making of war with forreigners, with the other two Articles concerning Leagues and Confederations, and concerning mutuall supply and assistance

againſt forraine invaſion, is agreed to be referred to Commiſſioners to be choſen by his Majeſty and the Parliaments. As likewiſe the 4. 5. and 6. Articles, concerning Trade, Commerce, Naturalization, mutuall priviledge and capacity, and others of that nature, and the demands concerning the extracts of Bands and Decreets, and the maner of ſafe conduct for tranſporting of moneys from England to Scotland, are all referred to be taken in conſideration by the Commiſſioners to be appointed by both Parliaments, who ſhall have power to adviſe and treat thereupon, and report to the Parliaments reſpectively.

7 It is juſt that the tenour of the Commiſſion for conſerving of peace ſhould be agreed upon by mutuall conſent, but the cloſing of the treaty not to ſtay hereupon, but to be left to the Commiſſioners to be named.

8 To that deſire concerning ſuch as ſhould be placed about the Prince; the King hath already given a cleere and ſatisfactory anſwer.

9 That there be an Act of Parliament of publike faith, for ſecuring the paiment of 220000 pounds, which is arreare of the brotherly aſſiſtance, is juſt, and order is given for it accordingly. And it ſhall be communicated with the Scottiſh Commiſſioners that it may be a perfect ſecurity.

10 The tenth, for appointing a *Quorum* for attending the paiment of the money, is already moved to the parliament, & will be done as is deſired.

11 The eleventh article is very juſt, and order ſhal be given accordingly for recalling all Proclamations, &c. and for publick Thankſgiving.

12 This Article for the Caſtle of Edinburgh and other ſtrengths of *Scotland*, is to be ſetled betwixt his Majeſty and the Commiſſioners of *Scotland*, or by his Majeſty and Parliament of *Scotland*.

All which Articles are aſſented unto, and approved by his Majeſtie, with advice of the Parliament of England, and by the Committees of the Parliament of Scotland, and are neceſſary, for publick declaration of mutuall conſent, and for firme obſervation, to be confirmed and ratified in the Parliaments of both Kingdomes.

BE it therefore enacted by his Majeſty, with the aſſent of the Lords and the Commons in this preſent Parliament aſſembled, that the ſaid Treaty, and all the Articles thereof, aſſented to, as aforeſaid, be and ſtand for ever ratified, and eſtabliſhed, and have the force, vigor, ſtrength and authority of a Law, Statute, and Act of Parliament.

Like as this afore-written Treaty, and whole Articles thereof, are by his Majeſty and the States of the Parliament of Scotland, enacted and ordained to have in all time comming the full force and ſtrength of a true and perfect ſecurity, and Act of the ſaid Parliament.

And his Majeſty for himſelfe, and his Succeſſors doth promiſe, *in verbo principis*, never to come in the contrair of this Statute & Sanction, nor any thing therein contained, but to hold the ſame in all points firme & ſtable, and ſhall cauſe it to be truly obſerved by all his Majeſties Leiges, according to the tenor and intent thereof for now & ever.

Like as the Parliament of both Kingdomes give full aſſurance, and do make publick faith in name of both Kingdomes reſpectively, for the true and faithfull obſervance of this Treaty, and whole Articles thereof inviolably, *hinc inde*, in all times to come.

Like

Like as his Majeſty, with advice of the eſtates of Parliament, commands the clerke of Parliament, to inſert and regiſtate the ſame in the bookes of Parliament, and to giye the extract of this Act under his hand to the director of the chancellary, Whom they command to write the ſame to the great Seale, and the keeper of the great Seale to append the great Seale thereto. And declares that the ſame being ſo ſealed and returned to the Parliament of England, is and ſhalbe unto them a full and perfect ſecurity, By this their act, given at Edinburgh the 26. of *Auguſt* 1641. yeares.

ACT VII.

ACT DISCHARGING *JAMES BANNATINE* His patent of the pearling. *Ultimo Auguſti*, 1641.

OUr Soveraign Lord and Eſtates of Parliament, having read and conſidered the reaſons, grievances and prejudices given in, and complained upon in this preſent Parliament againſt the gift and patent granted to James Bannatine in leith anent the pearling, and finding the ſamine gift and patent hurtfull and prejudicial to the country and lieges: Have therefore reſcinded, retreited, caſſed, annulled and diſcharged, and by the tenour hereof, reſcinds, retreits, caſſes, annuls and diſcharges *ſimpliciter*, the foreſaid gift & patent granted to the ſaid James Bannatine anent pearling, And declares the ſamine gift and patent to be extinct, null and ineffectuall in all time comming. And alſo our ſaid Soveraigne Lord, with advice and conſent of the eſtates of Parliament, prohibits and diſcharges all importation and inbringing of forraigne pearling within this kingdome in any time comming, under the paine of confiſcation thereof to his Majeſties uſe. And ſiclike our ſaid Soveraigne Lord, with advice foreſaid renewes the act of Parliament made, *in anno*, one thouſand ſix hundred twentie one yeares, Intituled anent banquetting and apparell, in the ſecond head and article thereof, *viz.* That no perſon of whatſoever degree ſhall have pearling or ribbining upon their ruffes, bands, ſerkes, napkins and ſocks, except the perſons priviledged in that act: And the pearling and ribbining to be ſo worne by them (if any be) to be of theſe made within the kingdome of Scotland, under the pain of an hundered pounds *toties quoties*, as the ſaid act in that article thereof beares: And ordains the ſamine act in that head and article foreſaid, to have ful ſtrength, force and execution, and to ſtand as a Law, conforme to the tenour thereof.

ACT VIII.

ACT DISCHARGING UNLAWFULL Marriages, 1. *September*, 1641.

OUr Soveraign Lord and Eſtates of this preſent Parliament, conſidering the great abuſe and dangerous evill that hath followed, and may follow upon frequent marriages of the perſons Inhabitants within this kingdome, going to the neighbour Kingdomes for getting themſelves married there, which they could not obtaine in this Kingdome by the lawes and conſtitutions thereof, Therefore, and for remedy of that evill, and for preventing ſuch in time comming, prohibites and diſcharges all men and women, having both their ordinary reſidence within this Kingdome, to get marriage to themſelves with others within the Kingdome of England, or Ireland, without Proclamation of Banes here in Scotland, and againſt the order and conſtitutions of this Church or Kingdome, under the pains following: *viz.* for ilk Nobleman ſo married, one thouſand pounds, for ilk landed Gentleman one thouſand markes, for ilk Burges five hundred pounds, and for ilk other ſubſtantious perſon five hundred marks, for a Yeoman one hundred pounds, for ilk perſon of inferiour qualitie one hundred marks: The one halfe of the which penalties ſhall belong to the King, the other to the Pariſh or Pariſhes where the married parties did reſide: And ordains the King and Kirks Advocate to purſue before the civill Judge therefore: And in caſe of the poore condition of any man married in manner foreſaid, Ordains him to be puniſhed by ſtocks or irons: Which paines corporal and pecunial ſhall no wayes be prejudiciall or derogate from the order and cenſures of the Kirk, to be inflicted againſt the delinquents.

ACT IX.

ACT ANENT NON-COVENANTING Patrons, 2. *September* 1641.

OUR Soveraign Lord and Eſtates of Parliament, conſidering, that all his Majeſties ſubjects within this Kingdome are by Acts of Parliament ordained to ſubſcribe their Nationall Oath and Covenant, Therefore his Majeſtie and Eſtates ratifie and approve the Act of Parliament made by his Majeſties deareſt Father of bleſſed memorie, *Parl.* 1. *c.* 9. whereby it is ordained, that no perſon be Judge, Procurator, Notar, or Member of Court, who profeſſeth not the true Religion, together with the Act of ratification thereof, with the addition and declaration thereof therein contained, made by his Majeſties ſaid umwhile Father, *Parl.* 20. *cap.* 3. And finds and declares, that the ſaids Acts ſhall be extended to all perſons whatſoever, who have not ſubſcribed, or refuſe to ſubſcribe the ſaid National Oath and

and Covenant. And ſuch like findes and declares, That where any of the ſaids refuſers to ſubſcribe have right to preſentation of Kirks, that it ſhall not be lawfull to them, to preſent any perſons to the Kirks vacand, but that the planting of the ſaids Kirks and admitting of Miniſters thereto, and to the ſtipends and proviſions thereof, upon ſute and calling of the Congregation, ſhall pertaine *pleno jure*, to the Presbyteries, within the which the ſaids Kirks lye, ay and while the ſaids patrons ſubſcribe the ſaids Nationall oath and Covenant.

ACT X.

ACT FOR FREEING OF VICCARAGES,

Provided to Miniſters for their ſtipends, of taxations.

2. *September*, 1641.

OUr Soveraigne Lord and Eſtates of Parliament, conſideng the diſtractions that Miniſters are brought into, and other prejudices and loſſes ſuſtained by them, by taxations craved of viccarages, which are aſſigned and provided to them as a part of their ſtipends, in ſo far as they are aſſigned and provided: and that it is againſt all reaſon and equitie, and former Acts of Parliament, That Miniſters ſtipends ſhould be burdened with impoſitions and taxations: Therefore Statutes and Ordaines (for eſchewing of theſe inconveniences and prejudices) that no viccarages teinds, nor rents thereof aſſigned and provided, or to be aſſigned and provided to Miniſters as a part of their ſtipends, be burdened or affected with any taxations of impoſitions by-gone, reſting, owing, unpayed, or in time coming, in ſo far as can be extended to the ſaids teinds, and rents of viccarages aſſigned, or to be aſſigned to them, and whereof they are, or ſhall be in poſſeſſion by the ſaids aſſignations: But declares the ſame to be free thereof in all time comming.

ACT XI.

ACT ANENT RAISING OF MALICIOUS

Suſpenſions, againſt Miniſters, Colledges, Schooles and Hoſpitals. 9. *September* 1641.

OUr Soveraigne Lord and Eſtates of Parliament, conſidering the great inconveniences that the Miniſters of this Kirk are brought into, by malicious delayes, or refuſing of the payment of their ſtipends, by unreaſonable ſuſpenſions, or by contempt of decreets obtained againſt perſons obliſhed for payment of their ſtipends, and that the Miniſters charges are ſo exorbitant in the ſute of law, that their ſtipends craved will not defray the ſame, and that they are exceedingly diſtracted from their callings, to the

great prejudice of their congregations, and that they doe ſuffer many other prejudices and loſſes: Therefore Statutes and Ordaines, that no ſuſpenſions be hereafter granted againſt Miniſters charging for their ſtipends, without conſignation of the ſummes of mony charged for, if the ſtipend conſiſt in money: or of an hundreth markes for ilk chalder of victuall, and of the juſt proportion of an hundreth markes for ilk quantity of victuall under a chalder, if the ſtipend conſiſt in victuall, where the ſame is not converted: and where the ſame is converted, upon the conſignation of theſe ſummes whereunto the victual is liquidate and converted. Which conſignation of money for victual as aboveſaid, is without prejudice to the judges, to decerne the greater or leſſer price for victual charged for, according to the probation: Providing alwaies, that if the perſon charged make reall and timous offer to the miniſter at his dwelling houſe, or (at the leaſt) at the place where he is obliged or accuſtomed to deliver the ſaid victual, before a notar and two witneſſes, at the leaſt, of the whole victual adebted or charged for, in good and ſufficient ſtuffe at the termes of paiment thereof, lawfull requiſition being firſt made to the miniſter to receive the ſame before a notar and witneſſes, as ſaid is, then the perſon charged for, ſhall not be aſtricted to conſigne money for victuall in manner foreſaid. And ſuch like it is provided, that the judge ſhall diſcerne twentie markes of expences for ilk hundred markes (at the leaſt) againſt the malitious charger or ſuſpender. And in caſe any perſon charged for miniſters ſtipends ſhall contemptuouſly goe to the horne and lie thereat, Our Soveraigne Lord and Eſtates foreſaid, Statutes and ordaines, that the donators to the ſingle or life-rent eſcheat of the rebell, having writ either from his Majeſtie or any Lords of regality, or any ſuperiours whatſoever intrometters with the ſaids eſcheat, goods and geir, mails and dueties of Lands, or Tithes falling within the compaſſe of the ſaid eſcheate, ſingle or life-rent, and all and whatſoever intrometters ſhall be lyable in paiment of the miniſters ſtipends, and of all charges, penalties and dammage which the ſaid rebell ſhould have been lyable to himſelfe, and that actions ſhalbe competent therefore againſt them, Providing the cauſes of the horning, whereupon the gift is taken, and the expences of the paſſing thereof be firſt ſatisfied, and that the donator hath intrometted or might have intrometted with as much as might have paid the miniſters ſtipend: and that no ſuſpenſion ſhalbe granted of decreets obtained againſt the ſaid donators and intrometters but in the manner foreſaid. And our Soveraigne Lord and Eſtates foreſaid declares, that this Act ſhalbe extended to univerſities, colledges, ſchooles and hoſpitals, maſters and members thereof, for the more ready and thankefull paiment to them of their ſtipends, proviſions, mortifications, revenues, and their dueties whatſoever.

ACT

ACT XII.

ACT FOR ABOLISHING OF MONUMENTS Of Idolatrie. 10. *September.* 1641.

OUr Soveraigne Lord with conſent of the Eſtates of Parliament, underſtanding, that the generall Aſſembly of the Kirk hath by their ſpeciall Act, made 30. *July*, 1640. *Seſſ.* 3. Ordained all Idolatrous Images, Crucifixes, Pictures of Chriſt, & all other Idolatrous Pictures, to be demoliſhed and removed forth, and from all Kirks, Colledges, Chappels, and other publick places. Therefore ordaines all Presbyteries to take diligent tryall of all idolatrous Pictures and Images, being within Kirkes, Colledges, Chappels, and other publick places, and after tryall intimate the ſame, firſt to the owners and parties themſelves, that they may remove the ſame: and in caſe they doe neither appeale preſently from the preſbyterie in the ordinarie way to the Synod and generall Aſſembly, nor remove them within the ſpace of three moneths, then to intimate the ſame to all Sheriffs, Stewards, Bayliffs, Magiſtrates of Burghs or Regalities, within the which the ſame ſhall be found: and ordaines them upon the requiſition to be made to them by the ſaids Presbyteries, Moderator, or Brethren thereof, to raze, demoliſh, aboliſh, caſt down or deface all theſe Idolatrous Images, Pictures, and other idolatrous monuments foreſaids, according as they ſhall be enjoyned and directed from the ſaids Presbyteries from time to time, ilk one of them, within their own bounds and juriſdiction *reſpectivè*, except in the caſe of appellation aforeſaid: And if the Presbyteries be negligent, that they be cenſured by the Synods and generall Aſſemblies, and the Sheriffs, and other officers foreſaid (in caſe of their negligence,) to be cenſured by the ſecret Councell, as they ſhal think reaſonable: And prohibites, and diſcharges all making of any ſuch Images or idols, and all up-putting of the ſame in all time comming under all higheſt paines, to be inflicted upon the contraveeners thereof.

ACT

ACT XIII.

ACT ANENT NON-COMMUNICANTS And Excommunicate Perſons. 10. *September* 1641.

OUR Soveraigne Lord and Eſtates of Parliament, Ratifies the two Acts of Parliament anent the eſcheats of excommunicate perſons made by his Majeſties Father of bleſſed memory, one therof *Par.* 14. *cap.* 197. and the other *Par.* 20. *cap.* 3. with the addition and declaration following, that no gift of eſcheat paſt or to bee paſt upon excommunication, or horning upon excommunication ſhall be vallid, but the ſamine is declared to have been, and to be null in all time comming, by way of exception or reply: and declares the ſaids two Acts ratified, as ſaid is, with the addition foreſaid made thereto, to be extended to all excommunication pronounced, or to be pronounced againſt whatſoever perſon or perſons, and for whatſoever cauſes: And further, His Majeſtie and Eſtates foreſaid, Ratifies and approves the Act made by his Majeſties Father, *Par.* 16. *cap.* 17. anent non-communicants every year once, with this declaration and addition, that the penalties of the contraveeners, modified in the ſaid Act, be payable in all time coming to the ſeveral Presbyteries within the Juriſdiction, whereof the contraveeners dwell, to be applied by them *ad pios uſus*: And that the ſaid Presbyteries, or any they appoint, ſhall have power to crave, receive and purſue for the ſame. And further, Our Soveraigne Lord and Eſtates foreſaids, for the greater terror and the more effectuall reclaiming of all excommunicate perſons, declares that all perſons whatſoever, according to the degrees and qualities mentioned in the ſaid Act, lying under the ſentence of excommunication, ſhall be lyable to the paines and penalties therein contained, and that yearely after the ſentence of excommunication, ay and while they be relaxed therefrom, and reconciled to the Kirk: And alſo declares, that the ſaid yearely penalties againſt excommunicate perſons ſhall pertain to every paroch Kirk, and Kirk ſeſſion, in burgh or land-ward, within their owne bounds, to be applyed *ad pios uſus*: And that they, or any perſon they appoint, ſhall have power to crave, receive, and purſue the ſamine, to be applyed to the pious uſes of the ſeverall paroch Kirk ſeſſions, where the contraveeners dwell: And in caſe of the paroch kirk ſeſſions their ſlackneſſe, the Presbyterie to exact after the expiration of yeare and day after the contraveening. And further declares the donators to the excommunicate perſons their ſimple eſcheat and liferent, and all other intrometters with their goods and geir and livings, ſhall be liable to the payment of the ſaids paines and penalties in the ſamine manner, as the excommunicate perſons are lyable themſelves. And becauſe in the ſaid Act there is no particular penalty modified againſt Burgeſſes, Therefore His Majeſtie and Eſtates foreſaids, ordaines everie Burges that beares, or hath borne office of Magiſtracie, ſo oft as he ſhall contraveene the

the ſaid Act, To pay the ſumme of two hundred marks, and every other burges the ſumme of fourtie pounds: And ſuch like ordaines the ſaid perſons, to be liable in the ſaids penalties *reſpective*, not only for their own perſonall contraveening of the ſaid Act, but alſo ſo oft as the ſame ſhall be contraveened by their wives *reſpective*, and alſo ſo oft as the ſame ſhall be contraveened by their children, they ſhall incurre the fift part of the ſaids paines, *reſpective*, for every bairne, not forisfamiliat, and of the age of fifteen yeares compleat, and that *toties quoties* they ſhall contraveene the ſaid Act: And ſuch like, that every ſervant ſo oft as he ſhall contraveene the ſaid Act, ſhall pay one yeares fee, *toties quoties*, lawfull requiſition being alwaies made to the ſaids Wives, Children and Servants by their Paſtor or Presbyterie to give obedience to the ſaid Act.

ACT XIIII.

ACT ANENT THE BULLION.

10. *September*, 1641.

OUR Soveraigne Lord and Eſtates of Parliament, Conſidering that one of the chiefe waies for bringing in of money into this Kingdome, hath been bullion, which now for lacke of the true way of managing thereof, is become unprofitable. Therefore our Soveraign Lord, with advice and conſent of the ſaids Eſtates, Statutes and Ordaines that in time comming all and every Merchant paſſing forth of this Kingdome with any Merchandize, or ſending the ſame forth of this Countrie, at the cuſtoming of the ſaids goods, ſhall find ſufficient ſecurity to the cuſtomers, for importing and inbringing ſuch quantity and proportion of Bullion as by the Lawes of this Kingdome is due for the ſaids goods tranſported by them, and ſhall accordingly deliver the ſame, and cauſe be delivered to the Maſter of the Coine houſe, and ſhall receive back again his Majeſties coine of this Kingdome: And ſhall make faith, that the ſame was brought by them from forraign parts, or by others in their name: and diſcharges all payment of Bullion before the hand, and all pactions made anent Bullion one with another, and paying of the ſame with his Majeſties coyne, or with any ſilver that is within the Countrey already, under the pain of doubling of the ſaid Bullion: As alſo becauſe the Bullion is ordained to be payed to the maſter of His Majeſties coine houſe, who hath his only reſidence in *Edinburgh*, and that thereby many Merchants who dwell not within the ſaid Burgh will be put to great and unneceſſary charges, for a ſmall matter of Bullion, Therefore it is declared, that it ſhall be lawfull to the ſaids Merchants to ſend the ſamine to the ſaid Maſter of the coine houſe, providing he ſend therewith an atteſtation under his oath and hand, if he can write, and under his mark if he cannot write, and both before two ſubſcribing

ſcribing witneſſes of Magiſtrates, or Councell of the Burghs where they dwell, that the ſaid Bullion due by him was brought within this Kingdome from forraine parts, and that the ſame was not acquired nor bought by him within the ſame.

ACT XV.

ACT ANENT THE ELECTION OF Officers of Eſtate, Counſellours, and Seſſioners. 16. *September*, 1641.

OUR Soveraigne Lord and the Eſtates of Parliament, conſidering, that whereas there was an Article in the Treatie anent the manner of chooſing and placing of Officers of State, Counſellours, and Seſſioners, whereof the anſwer was remitted to be determined by his Majeſtie and this Parliament: And his Majeſtie being willing to give this his ancient and native Kingdome all ſatisfaction poſſible, That fit and qualified perſons ſhall ever fill theſe places, And conſidering that his Majeſties reſidence (becauſe of his great affaires) will be more ordinary in England then here, whereby the qualification of perſons may not at all times be ſo well knowne to him: Therefore his Majeſtie, with advice and conſent of the Eſtates of Parliament, Declares for himſelfe and his Succeſſors, That he will nominate and make choice of ſuch able and qualified perſons to fill theſe places, as ſhall be fitteſt for his ſervice, and may give moſt contentment to the Eſtates of Parliament: Which nomination and choice His Majeſtie will make, with the advice and approbation of the ſaids Eſtates of Parliament, during their ſitting: And if any of the ſaids places ſhall happen to vake, and muſt be provided in the intervall betwixt Parliaments, his Majeſtie will chooſe and nominate Officers of State and Counſellours, with the advice and approbation of the Councell, all that number being warned upon 15. daies calling to meet thereanent, and moſt part of the whole conſenting: And in like manner the Seſſioners, with the advice and approbation of the moſt part of that Houſe. Which elections, made in the intervall, ſhall be allowed or diſallowed in the next enſuing Parliament, as the Kings Majeſtie and the Parliament ſhall think expedient: And the Officers of State, Counſellours, and Lords of Seſſion, ſo nominated and choſen by his Majeſtie and the Parliament, or allowed by his Majeſtie and them, ſhall be provided *ad vitam vel culpam*, and they all ſhall be lyable to the cenſure of the Kings Majeſtie and Parliament.

ACT

ACT XVI.

ACT ANENT THE ELECTION OF THE Lord LOWDOUN to be Chancellour.

Ultimo Septembris, 1641.

THE which day the Kings Majeſty, with the advice and approbation of the Eſtates of Parliament, did nominate and elect *John* Lord Lowdoun to exerce and diſcharge the place and office of High Chancellour of this his Highneſſe ancient native Kingdome, and gave and diſponed to him, during all the dayes of his life time, the ſaid office, with all honours, dignities, profits, liberties, and priviledges, which have beene poſſeſt and bruiked by any preceding Chancellours, and which may be now bruiked by the Lawes of this Kingdome: Like as his Majeſtie, with advice and approbation foreſaid, makes and conſtitutes the ſaid *John* Lord Lowdoun, during all the dayes of his life time, High Chancellour of this his ſaid Kingdome, to be bruiked and enjoyed by him, with all dignities, honours, commodities, liberties, and priviledges, which have beene poſſeſt and bruiked by any preceding Chancellours, and which may be now bruiked by the Lawes of this Kingdome: and ordaines a gift and patent to be paſt under His Highneſſe great Seale to the ſaid *John* Lord Lowdoun thereupon.

ACT XVII.

ACT ANENT THE CHANGE OF THE Termes. 29. *October*, 1641.

OUR Soveraign Lord and Eſtates of Parliament, Conſidering the great prejudice his Majeſties Lieges doe ſuſtaine by the inconveniencie of the preſent uſuall termes of payment of their debts and annuall Rents at Whitſunday and Martinmas heretofore; Where as if the ſamine were altered and changed to Lammas and Candlemas yeerly, they might get in their owne rents and dueties to pay their lawfull creditors therewith, more eaſily at the ſaid Termes of Lammas and Candlemas, then at the former termes of Whitſunday and Martinmas: Therefore Our Soveraign Lord and Eſtates of Parliament, have now altered and changed the foreſaid former courſe of the Termes of payment from Whitſunday and Martinmas, to the Termes of Lammas and Candlemas, in all time hereafter, And ordains the ſame to be the uſual Termes of payment of all debts and annuall, and for uſing of all order of Redemption, & ordains all Premonitions & Requiſitions to be made before the ſaid Termes of Lammas and Candlemas, in place of the Termes of Whitſunday and Martinmas, in time coming: Notwithſtanding of any clauſes,

ſes of Redemption, Premonition, or Requiſition, contained in any Bands or other Writs, bearing the ſamine to be made or done, either before Whitſunday or Martinmas, in manner therein ſpecified. Whereanent our Soveraign Lord and Eſtates of Parliament diſpenſes for ever, Beginning the firſt Termes Redemption, Premonition, or Requiſition, at and before Candlemas next, in place of the Terme of Martinmas, and the next Terme at and before Lammas next, for and in place of Whitſunday, and ſo forth yearely and tearmly in all time coming, But prejudice to all creditors of all their juſt annual rents that ſhal be due to them from Martinmas next to Candlemas next to come, and from Whitſunday to Lammas, which is declared to be one quarters annuall, And likewiſe but prejudice to them of all other bygone annual, reſting, owing to them of whatſoever other years or terms preceding, which are and ſhall be payed at the Terme of Candlemas next: And this Act to be underſtood only for borrowing and lending of moneys, upon band or infeftment, and payment of annuall rents, and the former Termes of Whitſunday and Martinmas to ſtand for redemptions, proper woodſets, flitting and removing of Tenants, both in Burgh and Land.

ACT XVIII.

ACT ANENT THE CHARGES AND Expences of the Commiſſioners for the Barons, 11. *November*, 1641.

OUR Soveraigne Lord and Eſtates of Parliament ratifie and approve the Acts made by his Majeſties Predeceſſours, King *James* the firſt of worthy memorie, in his 7. Parl. and 101. Act thereof: and the Act made by his Majeſties umwhile deareſt Father of worthy memorie in his 22. Parl. anent the Commiſſioners of ſmall Barons in Parliament, in the whole Heads, Clauſes, and Articles thereof: And ſpecially that Article of the ſaid laſt Act, bearing, that all Free-holders be taxed for the expences of the Commiſſioners of the Shires, paſſing to Parliaments or Generall Councels: And letters of horning and pounding to be direct for payment of the ſummes taxed for that effect, upon a ſimple charge of ſix dayes allanerly, With this addition for clearing of the quantity and manner of the ſaid taxation, that there ſhall be allowed to every one of the ſaids Commiſſioners, for their whole charges and expences, five pounds every day for their expences upon any parliaments, or generall councels, counting the firſt and laſt daies, from the down ſitting and riſing of the ſaids Parliaments: with ſuch other dayes allowed for the Commiſſioners of every ſhire, for their coming to the ſaids Parliaments or generall Councels, and returning there-from, from time to time as they ſhall ſit or be adjourned, *viz.* for the Commiſſioners of the ſheriffdome of *Edinburgh* for their comming and going, one day: of *Fife*, two dayes: of *Linlithgow*, two dayes:

dayes : of *Clydeſdail*, foure dayes : of *Nithiſdail*, foure daies : of *Dumbartane*, foure dayes : of *Sterling*, two dayes : of *Hadingtoun*, one day : of *Berwik*, foure dayes : of *Clakmannane*, two daies : of *Kinroſhire*, two dayes : of *Peiblis*, two dayes : of *Bute*, ſix daies : of *Angus*, foure dayes : of *Pearth*, foure dayes : of *Mearnes*, foure dayes : of *Air*, foure dayes : of *Wigtoun*, ſix dayes : of *Kirkcudbryght*, four daies : of *Roxburgh*, four daies : of *Aberdene*, eight dayes : of *Renfrew*, foure daies : of *Selkirk*, two daies : of *Bamff*, eight dayes : of *Elgine*, ten dayes : of *Narne*, ten daies : of *Argyle*, eight dayes : of *Innernes*, twelve daies : of *Caithnes*, ſixteen dayes : of *Sutherland*, fourteen dayes : of *Orkney*, thirtie dayes : The which daily allowance, after the riſing of the ſaid Parliaments or generall Councels, ſhall be calculate and put in a ſumme by the Clerk of Parliament under his hand, to be divided and impoſed proportionally upon the whole freeholders, heritors and life-renters, holding of the Kings Majeſtie and the Prince, according to the proportion of their Lands and Rents, lying within the ſhire, Excepting alwayes forth of this Act, all the Lands belonging to the Noblemen or their immediate Vaſſals : And therefore declares, that their Lands holden of his Majeſty or Prince, and their Vaſſals, to be free of the ſaid taxe, notwithſtanding of this preſent Act, or any Act preceding: And that letters be direct thereupon by the Lords of Seſſion, to charge the Free-holders, heritors and life-renters holding of his Majeſty and the Prince, to conveene at the head Burgh of every ſhire, upon one ſpeciall day, for dividing and ſetting down the proportion thereof in manner foreſaid : With power alſo to ſtent the ſaids free-holders, heritors, and life-renters, for the tenth perry more of the ſaid whole ſumme, ſo calculate for the expences of the letters to be raiſed therefore, and others charges in the collection thereof, with certification that ſuch as ſhall conveene, ſhall have power to proceed, notwithſtanding of the abſence of the reſt : And that letters of horning and pounding be direct thereupon, at the inſtance of the ſaid Commiſſioners, for payment thereof, in manner above-written: And if payment be not made within the dayes contained in the charge, ſo that the Commiſſioners be forced to pound therefore, Then and in that caſe, it ſhall be lawfull to pound for the double of the ſumme charged for, by and attour the Sheriffe. And that no ſuſpenſion paſſe thereupon, but upon conſignation allanerlie, and if the ſuſpenſion diſcuſſe againſt the ſuſpender, in that caſe the ſuſpender ſhall be ordained to make payment to the Commiſſioners of the double of the ſumme charged for by and attour the Commiſſioners others charges, and expences in diſcuſſing the ſuſpenſion, And this Act to take effect, for the commiſſioners of this preſent Parliament, and all Parliaments hereafter.

ACT XIX.

ACT IN FAVOURS OF THE COMMISsioners for the Sherifdome of *Sutherland*, 11. *November*, 1641.

OUR Soveraign Lord and Eſtates of Parliament, conſidering that by an Act of the date of thir preſents made anent the expences of Commiſſioners of Shires paſſing to Parliaments, or Generall Councels and Conventions, allowance ſhall be given to the ſaids Commiſſioners for their whole charges and expences, in manner ſpecified in the ſaid Act: And that the daily allowance appointed for iſk Commiſſioner, in manner mentioned and divided in the ſaid Act, after the riſing of the ſaids Parliaments, or generall Councels, ſhall be calculate and put in a ſumme by the Clerks of Parliament, under their hand, to be divided and impoſed proportionally upon the whole Freeholders of the Kings Majeſty and the Prince, according to the ſtent of their lands lying within the Shire: And that letters be direct thereupon by the Lords of Seſſion to charge the ſaids Freeholders of his Majeſty and Prince, to conveen at the head Burgh of every Shire upon a ſpecial day, for dividing & ſetting down the proportion thereof, in maner foreſaid, as the ſaid Act made in favours of the ſaid whole Commiſſioners of ſmall Barons and Shires at more length bears. And his Majeſtie and the ſaids Eſtates, conſidering, that in the Parliament in the year of God 1633. a particular Act of Parliament was made in favours of the Free Barons, and others Inhabitants within the Sherifdome of Sutherland, giving power to them to elect and chooſe their own Commiſſioners for the ſaid Sherifdome, to compeir at Parliaments, meetings, and generall Conventions within this kingdom, at all occaſions, And conſidering likewiſe, that by the ſaid Act, made in favours of the ſaids whole Commiſſioners, the Commiſſioner choſen and attending this preſent Parliament for the Sherifdome of Sutherland, and the Commiſſioners who ſhalbe choſen and ſent from the ſaid Sherifdome of Sutherland to attend thir Parliaments, Generall Councels, and other Generall meetings and Conventions of Eſtates hereafter in all time comming, ſhall have no allowance of their expences and charges to be depurſt by them in the ſaid ſervice, albeit the ſaid Shire be one of the remoteſt and fartheſt diſtance in the Kingdome: Becauſe there is onely two Inhabitants within the ſaid Shire holding Lands of the Kings Majeſty, the whole remanent heritors being either Vaſſals to the Earle of Sutherland, or holding their Lands of ſome other Superiour: And ſo according to the ſaid generall Act, the allowance of the Commiſſioner of that Shire cannot be divided, nor impoſed for payment and ſatisfaction of his charges and expences, except the ſamine be extended againſt the Heritors, Fewars, and Freeholders within the ſaid Sherifdome, holding lands of other Superiours in manner under written. Therefore His Majeſty, and Eſtates

of

of Parliament, ordains the allowance appointed by the ſaid generall Act, in favours of the Commiſſioners of the ſaid Sherifdome of Sutherland, to be extended, divided, and impoſed proportionally upon all and ſundry Heritors, Fewars, Life-renters, and Free-holders within the ſaid Shire, whether they bee Vaſſals to his Majeſty, or holding their lands of any other Superiours whatſoever, according to the ſtent of their lands lying within the ſaid Shire: and that letters be direct thereupon by the Lords of Seſſion, to charge all and ſundry the Heritors, Fewars, Life-renters, and Free-holders within the ſaid Shire, holding of any Superiour whatſoever, to conveene at *Dornoch*, being the head Burgh of the ſaid Shire, upon a ſpeciall day, for dividing and ſetting down the proportion thereof, in manner foreſaid: With power alſo to ſtent all and ſundry the ſaids Heritors, Fewars, Life-renters, and Free-holders, holding of whatſoever Superiour within the ſaid Shire, for the tenth penny more of the ſaids whole ſummes ſo calculated for the expences of the letters to be raiſed therefore, and others charges in collecting thereof: With certification that ſuch as ſhall conveene, ſhall have power to proceed, notwithſtanding of the abſence of the reſt: And that letters of horning and pounding be direct thereupon at the inſtances of the ſaids Commiſſioners for payment thereof, in manner above written: And if payment be not made within the dayes contained in the charge, ſo that the ſaid Commiſſioners ſhall be forced to pound therefore, then, and in that caſe it ſhall be lawfull to pound for the double of the ſumme charged for by and attour the Sheriffe: And that no ſuſpenſion paſſe thereupon, but upon conſignation allanerly. And if the ſuſpenſion ſhall diſcuſſe againſt the Suſpender, in that caſe the Suſpender ſhall be ordained to make payment to the Commiſſioners of the double of the ſum charged for, by and attour the Commiſſioners others charges and expences in diſcuſſing the ſuſpenſion: And this Act to take effect for the Commiſſioners of this preſent Parliament, and all Parliaments hereafter.

ACT XX.

ACT ANENT THE NOMINATION And election of the Officers of Eſtate.

13. *November*, 1641.

THe which day the Kings Majeſty, with advice and approbation of the Eſtates of Parliament, conveened in Parliament, nominated and elected the perſons underwritten to the places and offices of Eſtates of this Kingdome *reſpective* after mentioned, formerly poſſeſt by them: *viz.* *Robert* Earle of Roxburgh, to the place and office of Privie Seale: *William* Earle of Lanerk, to the place and office of Secretarie: Sir *Thomas Hope* of Craighall, to the place and office of his Highneſſe Advocate: Sir *James Carmichaell*, to the place and office of Treaſurer depute: and Sir *John Hamiltoun* of Orbeſtoun, to the place and office of Juſtice Clerk,

and that *ad vitam vel culpam*, conforme to the Act of this preſent Parliament made anent the election of Officers of Eſtate, Counſellours, and Seſſioners, upon the ſixteenth day of September laſt by-paſt, Like as his Majeſty, with advice and approbation foreſaid, gives and diſpones to the forenamed perſons, and ilk one of them, *ad vitam vel culpam*, as ſaid is, the foreſaids Offices *reſpective* above mentioned, whereunto they are nominate and elected in manner foreſaid. Together with all honours, dignities, profits, benefits, liberties, and priviledges, which have beene poſſeſt and bruiked by any preceding Officers of Eſtate, of the foreſaids offices above written, and which may be now bruiked by the Lawes of this Kingdome: And ordaines a gift to be paſt and exped under his Highneſſe great Seale to ilk one of the perſons above named, of the foreſaid offices *reſpective* above written, whereunto they are nominate and elected, in manner before rehearſed.

ACT XXI.

ACT ANENT THE NOMINATION AND Election of Sir *Alexander Gibſon*, to be Clerk Regiſter. 13. *November*, 1641.

THe which day the Kings Majeſtie, with advice and approbation of the Eſtates of Parliament, nominated and elected Mr. *Alexander Gibſon* younger of Durie, to the place and office of Clerk of Regiſter of this his Highneſſe ancient and native Kingdome of *Scotland*, and that *ad vitam vel culpam*, conform to the Act of this preſent Parliament, made anent the election of Officers of Eſtate, Counſellers and Seſſioners, upon the ſixteenth day of *September* laſt by-paſt: Like as his Majeſtie, with advice and approbation foreſaid, gives and diſpones to the ſaid Mr. *Alexander Gibſon* younger of Durie, *ad vitam vel culpam*, as ſaid is, the foreſaid office of Clerk of Regiſter, with all honours, dignities, priviledges, profits, caſualities and liberties, pertaining to the ſaid office, conforme to the foreſaid Act, and to the gift to be granted to him of the ſamine office under his Highneſſe great Seal, to be bruiked and poſſeſt by him as the ſamine hath been poſſeſt and bruiked by any preceding Clerk of Regiſter, and which may be now bruiked by the Laws of this Kingdome, And ordains a gift to be paſt and exped under his Highneſſe great Seal, to the ſaid Mr. *Alexander Gibſon*, of the foreſaid office of Clerk of Regiſter, with all honours, dignities, profits, caſualities, liberties and priviledges, belonging thereto.

ACT

ACT XXII.

ACT ANENT THE NOMINATION AND Election of the Councellors. 13. *Novem.* 1641.

THe which day the Kings Majeſtie, with advice and approbation of the Eſtates of Parliament, conveened in playne Parliament, nominated and elected the Perſons under-written, *viz.* Lord *Lowdoun* Chancellour, Duke of *Lennox*, Marques of *Hammiltoun*, Earle of *Argyle*, Earle *Marſhall*, Earle of *Sutherland*, Earle of *Mar*, Earle of *Mortoun*, Earle of *Eglintoun*, Earle of *Caſsils*, Earle of *Glencairne*, Earle of *Murray*, Earle of *Perth*, Earle of *Dumfermling*, Earle of *Wigtoun*, Earle of *Kinghorne*, Earle of *Roxburgh*, Earle of *Seaforth*, Earle of *Lauderdale*, Earle of *Lothian*, Earle of *Kynnowll*, Earle of *Southeſk*, Earle of *Weymes*, Earle of *Dalhouſsie*, Earle of *Findlater*, Earle of *Lanerk*, Earle of *Levin*, Lord *Angus*, Lord *Lindeſay*, Lord *Yeſter*, Lord *Sinclare*, Lord *Elphingſtoun*, Lord *Balmerino*, Lord *Burghlie*, Lord *Amont*, Lord *Balcarras*, the Clerk of *Regiſter*, Advocate, Juſtice Clerk, Theſaurer depute, Maſter of requeſts, Sir *Robert Gordoun*, Sir *William Douglas* of *Cavers*, Sir *Patrik Hepburne* of *Wauchetoun*, Laird of *Dundas*, Laird of *Fintrie*, Laird of *Cambo*, Laird of *Dun*, Laird of *Innes*, Laird of *Morphie*, and the Proveſt of *Edinburgh*, for the time being, To be of the Councell *ad vitam aut culpam*, conform to the Act made in this preſent Parliament, upon the 16. day of *September* laſt by-paſt, anent the nomination and election of the Officers of Eſtate, Counſellors and Seſſioners, and conform to the Commiſſion to be granted by the Kings Majeſtie, with the advice and approbation of the Eſtates of Parliament, to the ſaids Lords and others of his Majeſties ſecret Councell above named, for government of this Kingdome in all affairs, concerning the peace, good and happineſſe thereof, which by the Lawes and Cuſtome of this Kingdome, pertaine to his Majeſties ſecret Councell: Like as his Majeſtie, with advice and approbation foreſaid, likewiſe nominated and elected the Earle of *Arrundel*, the Earle of *Pembroke*, the Earle of *Salisbury*, and the Earle of *Holland*, to be ſupernumerarie Counſellors of his Majeſties Privie Councell of this Kingdome, and to be contained in the foreſaid commiſſion to be granted to the Councell, as ſupernumerarie there-intill: And his Majeſtie, with advice and approbation foreſaid, gives and grantes to the ſaids Counſellors above named, and every one of them, all honours, dignities, liberties, immunities, and priviledges whatſoever belonging to the Lords and others of his Highneſſe Privie Councell of this his ancient and native Kingdome, To be bruiked and poſſeſt by them, ſiclike and with all reſpects, as the ſamine have beene bruiked by any preceding Counſellers of his Majeſties Privie Councell foreſaid, and which may be now bruiked and enjoyed by them, by the Laws of this Kingdome, conforme to the foreſaid Act of the ſixteenth day of *September* laſt by-paſt, and to the commiſſion to be granted to the ſaids Lords, and others of his Majeſties Privie Councell, as ſaid is.

ACT XXIII.

ACT ANENT THE NOMINATION AND Election of the Lords of Seſſion ordinary and extraordinary. 13 *November* 1641.

THe which day the Kings Majeſtie, with advice and approbation of the Eſtates of Parliament, conveened in plaine Parliament, nominated and elected, Sir *George Erſkene* of *Innerteil*, Sir *Alexander Gibſon* of *Durie*, Sir *Andro Fletcher* of *Innerpeffer*, Sir *John Hamiltoun* of *Orbeſtoun*, Juſtice Clerk, Sir *James Carmichaell*, of that ilk Theſaurer depute, Sir *James Leirmonth* of *Balcomie*, Sir *James Macgill* of *Craſtoun Riddell*, Sir *George Halyburtoun* of *Fodderance*, Sir *John Hope* of *Craighall*, Sir *John Scot* of *Scottiſtarbet*, Sir *Alexander Falconer younger* of *Hackertoun*, Sir *John Leſlie* of *Newtoun*, and Sir *Thomas Hope* of *Kerſe*, Knights, Mr. *Archibald Johnſtoun* of *Warriſtoun*, and Mr. *Adam Hepburne* of *Humbie*: To be the fifteen ordinair Lords of Seſſion, and Senators of the Colledge of Juſtice, and that *ad vitam vel culpam*, and Judges for adminiſtration of Juſtice, to the lieges, conform to the foundation and erection of that Soveraigne Judicatorie of the Colledge of Juſtice: Like as his Majeſtie, with advice and approbation of the ſaids Eſtates of Parliament, gave and diſponed, and hereby gives and diſpones to the ſaids fifteen ordinair Lords of Seſſion above named, and to ilk one of them, *ad vitam vel culpam*, as ſaid is, the fifteen ordinarie places of the ſaids ordinair Lords and Senators of the Colledge of Juſtice, with all fees, honours, dignities, profits, caſualities, immunities, liberties, and priviledges whatſoever, pertaining, and belonging to the ordinair Lords and Senators of the Colledge of Juſtice, and their places thereof to be bruiked, and poſſeſt by the perſons above named, now nominate and elected thereto, as ſaid is: And ilk one of them ſiclike, and with all reſpects and priviledges, fees, caſualities, immunities, liberties, and profits whatſoever, as the ſamine hath beene poſſeſt and bruiked by any preceding Lords and Senators of the ſaid Colledge of juſtice, and which the ſaids Lords and Senators foreſaids may now bruike and enjoy by the Lawes of this Kingdome, and that *ad vitam vel culpam*, conforme to the Act of this preſent Parliament made hereanent upon the ſixteenth day of September laſt by-paſt. Like as his Majeſtie, with advice and approbation foreſaid, likewiſe nominated and elected *Archibald* Earle of Argyle, *Archibald* Lord Angus, *John* Lord Lindſay, and *John* Lord Balmerino, to be the foure extraordinair Lords of Seſſion, and Senators of the ſaid Colledge of juſtice, conforme to the foreſaid Act made anent the nomination and election of the Officers of Eſtate, Counſellours, and Seſſioners, of the date the 16. day of September laſt by-paſt. And His Majeſty, with advice and approbation of the ſaids Eſtates, gave and diſponed, and hereby gives and diſpones to the ſaids foure extraordinair Lords of Seſſion above named, and to ilk one of them, the

the foure extraordinair places of the ſaids extraordinair Lords and Senators of the Colledge of juſtice, with all honours, dignities, immunities, liberties, and priviledges whatſoever, belonging to the extraordinair Lords of Seſſion, and their places thereof, to be bruiked and poſſeſt by the foreſaids foure Lords above named, now nominated and elected thereto, ſiclike and with all reſpects as the ſamine have beene poſſeſt and bruiked by any preceding extraordinair Lords of the Seſſion, and which may be now bruiked and enjoyed by them by the Lawes of this Kingdome.

ACT XXIV.

COMMISSION FOR REGULATING The common burthens of the Kingdome.

15. *November*, 1641.

OUR Soveraign Lord and Eſtates of Parliament, Conſidering, that during the time of the late troubles of this Kingdom, there were many great ſummes and burdens contracted, undertaken and advanced for the outreiking and maintenance of the Armies, and for other publike affaires: As likewiſe conſidering that the counts of the common burdens of the Kingdome, and the accounts of the tenth penny, and of the other debts, reſting due and payable to the publike: Together with the accounts and intromiſſions of all Commiſſioners, Collectors, & others perſons, who have had any charge or intromiſſion with any thing pertaining to the publike, aſwell in the Countrey as at the Army, and other parts abroad, are not yet fully cloſed, cleared, counted for, payed, nor reduced in order: And ſeeing it is abſolutely neceſſary, that all the debts contracted and advanced for the publike uſe, either within the Kingdome or without the ſamine, be known, ſatisfied, payed, and relieved, As alſo that every thing reſting to the publike, be counted for, payed and brought in for reliefe of the common burthens, and that the whole counts of the Armies, and other counts within and without the Kingdome, together with the accounts of the monthly maintenance of the Army, and Brotherly aſſiſtance granted by the Parliament of *England*, for reliefe of the common burthens of this Kingdome, at leaſt ſo much thereof, as is already payed, be all cleared, fitted and cloſed, and that the reſt and ſuperplus of the ſaid brotherly aſſiſtance yet reſting, may be craved, uplifted and received for the publike uſe: And it being likewiſe neceſſary, that all and every perſon, who have had any truſt and intromiſſion with any thing pertaining to the publike, either within the Country, or at the Armie, or any other place, be called to an account, for their intromiſſion: and that the Generall Officers, and others, who have ſerved in the publike be ſatiſfied

fied and recompenſed for their ſervice, according to their demerits, As alſo that the loſſes ſuſtained, by the particular perſons whoſe ſhips and goods were taken at Sea, either in *England* or *Ireland*, be taken to conſideration, To the effect, that the whole burthens and debts reſting by the publike being knowne, and all that is due to the publike being counted for, payed and brought in for relief of the common burthens, the eſtate and condition of the publike affairs may be the better known, and accordinglie ſuch courſe taken thereanent, as may beſt conduce for the good and weale of the country: And ſeeing the clearing and ſetling of the premiſſes will neceſſarily draw to ſuch a length of time, as his Majeſty and the Eſtates of Parliament, cannot in this preſent Parliament receive, call for, nor examine the ſaids accounts and common burthens of the Kingdome, and ſettle and order every thing concerning the ſame; In reſpect whereof, Our ſaid Soveraign Lord and Eſtates of Parliament, have found it neceſſary and expedient, that a ſelect number of the ſeverall Eſtates of the Kingdom, be nominated, authoriſed and appointed, for clearing and ſetling of the whole premiſſes, and for directing, ſetling and ordering of every thing which may concerne the ſame, Or which may offer and come in conſideration thereanent. Therefore His Majeſtie and Eſtates of Parliament preſently conveened, do by vertue of thir preſents, elect, nominate, chooſe, authoriſe and appoint the perſons after ſpecified, *viz.* *John* Earle of *Lowdoun*, High Chancellour of *Scotland*, *Archbald* Marques of *Argyle*, *Alexander* Earle of *Eglintoun*, *John* Earle of *Caſsils*, *William* Earle of *Glencairne*, *John* Earle of *Lauderdaill*, *William* Earle of *Lothian*, *John* Earle of *Lindeſay*, *David* Earle of *Southeſk*, *Iames* Earle of *Findlater*, *Iohn* Lord *Sinclair*, *Iohn* Lord *Balmerino*, *Robert* Lord *Burghlie*, *George* Lord *Forreſter*, Sir *Charles Erskene* of *Bandeth*, Sir *David Hoome* of *Wedderburne*, Sir *Robert Innes* of that ilk, Sir *George Dundas* of that ilk, Sir *William Cunyngham* of *Capringtoun*, Sir *Iohn Wauchope* of *Nidrie*, Sir *Alexander Erskene* of *Dun*, Sir *Gilbert Ramſey* of *Balymayne*, Sir *Duncane Campbell* of *Auchinbrek*, Sir *William Forbes* of *Craigievare*, Sir *Robert Greirſone* of *Lag*, Maſter *George Douglas* of *Bonjedburt*, *William Rig* of *Ethernie*, *Alexander Gordoun* of *Earlſtoun*, *Iohn Binnie* Burges of *Edinburgh*, *Thomas Durham* Burges of *Pearth*, *Patrik Leſlie* Burges of *Aberdene*, *George Bell* Burges of *Linlithgow*, *Patrik Bell* Burges of *Glaſgow*, *Iames Sword* Burges of Saint *Andrewes*, *Iohn Kennedye* Burges of *Air*, *Iohn Sempell* Burges of *Dumbartane*, *William Glendoning* Burges of *Kirkcudbright*, *Iames Scot* Burges of *Montroſe*, Maſter *Robert Barclay* Burges of *Irving*, *Iames Anderſon* Burges of *Couper*, *George Gardine* Burges of *Bruntiland*, and Maſter *Alexander Dowglas* Burges of *Bamff*, Together with *Alexander* Earle of *Levin*, and Sir *Adam Hepburne* of *Humbie*, one of the Senatours of the Colledge of Juſtice, whom His Majeſtie and Eſtates of Parliament adde to the foreſaid number, as ordinair members with the reſt, to be Commiſſioners from his Majeſty and the Parliament, to the effect above and after ſpecified: Of the which perſons, any twelve of them ſhall be a *Quorum*, there being alwaies three of them of ilk Eſtate: To whom our ſaid Soveraign Lord and Eſtates, and whole body of the preſent Parliament, Gives, grants, and

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commits full power, warrant and commiſſion, to meet and conveen within the burgh of *Edinburgh*, or ſuch other places as they ſhall think expedient, Betwixt and the day of next to come at fartheſt: and there to call for, examine, conſider, cleare, fit, allow and count the whole debts and burdens contracted, and undertaken, advanced, furniſhed and applyed for the publike uſe, And ſiclike, with power to them, to reduce the whole debts, counts and burdens reſting by the publike, either within the Kingdome or without the ſamine, to be a full and compleat order: And for that effect, to call all perſons intereſt and concerned therein before them, for the better trying, clearing and expeding of the ſamine, or of any difficultie which may offer and occurre in the ſetling and clearing of the ſaids common burdens and debts: And with power to the ſaids Commiſſioners or *Quorum* foreſaid of them, to fit, examine, cloſe, ſettle, controll and allow the whole counts and intromiſſions of all commiſſars, collectors and their deputes and ſubſtitutes, and of all other perſons who have had any charge, truſt, intromiſſion or medling with any thing pertaining to the publike, or in any publike truſt and charge, either within the Kingdome, or without the ſamine, not already approven and allowed by the late Committees of Eſtate, or either of them: And for that effect Our ſaid Soveraigne Lord and Eſtates of Parliament, grants full power and warrant to the ſaids Commiſſioners, to call before them or their *Quorum* foreſaid, all commiſſars, collectors and others, who have had any truſt, intromiſſion, or medling, or who are reſting any thing due, and pertaining to the publike, at ſuch dyets and times, and in ſuch manner as they ſhall preſcribe and find expedient, And to cal for, examine, controll and allow the whole regiment counts, and other counts of the Armie, within and without the Country, with the accounts of all Victuall, Money, Goods, or other commodities and furniture furniſhed, received, expended and given out for making up, outreiking and entertainment of the armies, and of all other publike expeditions and imployments, and to allow and diſallow of the ſamine as they ſhall find them to be juſt and reaſonable, And with power to the ſaids Commiſſioners and their *Quorum* foreſaid, to nominate and appoint Collectors, Commiſſars, and all other publike ſervants neceſſary for clearing, ingathering and recovering of the publike dues, debts and reſts due, and payable to the publike, and to preſcribe orders to them, and to call all others, either authorized already, or to be appointed by them, And to preſcribe, direct, and give forth ſuch orders, letters, execution, and other diſpatches for clearing of the whole premiſſes, and for recovery of the debts and burdens reſting to the publike, as they ſhall think expedient, And with power to the ſaids Commiſſioners or ſuch as ſhall be authorized and warranted by them or their *Quorum* foreſaid, to crave, receive, uplift and intromet with that ſumme of two hundred and twenty thouſand pounds ſterling yet reſting, unpayed by the Parliament of England, of the foreſaid brotherly aſſiſtance, promiſed and obliged to be payed by the Kingdom of England, for relief and defrayment of the ſaids common burdens of this Kingdome, and to grant diſcharges upon the receipt thereof, in whole, or in part, which

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ſhall be als ſufficient as if the ſamine were granted by his Majeſtie, and the whole body of the parliament of this Kingdom, And with power to them to ſettle, accord and agree upon wayes and meanes, how the ſaid brotherly aſſiſtance may be moſt timouſly and commodiouſly payed and advanced for defrayment and relief of the ſaids common burthens, either by exchange, advancement, or any other manner of way, which may be moſt conduceable for the relief and good of the publike, And with power to the ſaids Commiſſioners or their *Quorum* foreſaid, to take an exact count of the whole ammunition, artillery, armes, & other furniture, either brought home, made, or brought within this Kingdom for the uſe, and upon the common expences of the publike, and for the reiking out of the Armies and Regiments of foot and horſe, and to take courſe and preſcribe orders for keeping and preſerving thereof, for the uſe and defence of the Kingdome, and to appoint and conſtitute ſuch perſons of truſt and beſt experience for keeping and preſerving of the ſamine, as they ſhall think expedient, and to appoint and allow to them convenient fees and maintenance for the ſame, As alſo with power to them to take conſideration and courſe anent the ſaids loſſes ſuſtained by particular perſons in their ſhips and goods taken at Sea, either in *England* or *Ireland*, With power alſo to them to conſider every man his loſſes, that they ſuſtained for the publike, and accordingly give them ſuch ſatisfaction as they ſhall find juſt and reaſonable, that they have ſuſtained in ſpuilyes, robbery and hearſhips by the enemies of the countrey, And as moneyes and other commodities due to the publike can be gotten in, With power to them, to give orders for diſtributing thereof for defraying of the ſaids common burthens: and where moneys cannot be gotten in timouſlie for reliefe and payment foreſaid, With power to the ſaids Commiſſioners or their *Quorum*, to borrow and lift moneys where ever the ſamine may be had, for relief and payment of ſuch urgent debts and creditors of the publike as cannot ſuffer delay. Which ſummes ſo to be lifted and imployed for the uſe and effect foreſaid, His Majeſtie and Eſtates of Parliament declares hereby to be the publike debts and burdens of the country, and binds and obliges the eſtates and whole body of this Kingdome, to pay and defray the ſame, and to relieve the ſaids commiſſioners or any other perſons who ſhall give bands or ſecurities for the ſame, of the foreſaids ſummes and bands, and of all perill and danger that may follow thereupon: and ſiclike, with power to the ſaids commiſſioners and their *Quorum* foreſaid, to give orders, for valuing of all Presbyteries, Paroches, Lands, and other Rents and trade not already valued, Conforme to the preceding ſtatutes, acts and orders made there anent, to the effect, that the tenth peny thereof may be known, and payment may be exacted accordingly. Like as his Majeſtie and Eſtates declares, that ſuch perſons, preſbyteries, burghs and others, who are yet reſting their ſaid tenth peny, are and ſhall be liable in payment of annuall rents for the ſame, from the terme of Whitſunday, 1640. yeares, and in time comming, aye and while the compleat payment of the ſamine: And in reſpect there was divers and ſundry Commiſſions, Letters, and other execution and warrants, directed and given forth by the late Committees of

Eſtates

Eſtates reſiding at Edinburgh, and by the Commiſſar principall, and Collector generall, and others having power and warrant for that effect, to Collectors, Commiſſars, and other publike Servants, for ingathering and recovering of payment of the debts and reſts payable to the publike: which letters and warrants are not yet fully execute, neither yet is there complete payment recovered, conforme thereto. Therefore our ſaid Soveraigne Lord and Eſtates foreſaids, ordaines the ſamine Commiſſions, Letters, and others Warrants, emitted and given forth thereanent, to ſtand in full force: And the perſons entruſted with the managing and executing therof, to do their exact and beſt diligence thereanent, aye and while their warrants be recalled and diſcharged by the ſaids Commiſſioners, or their *Quorum* foreſaid, It is hereby declared that amongſt the reſt of the common and publick dues and debts due to the publick, that the whole rents of all Biſhops and others beneficed perſons, whether depoſed, fugitives, or oppoſites to the common cauſe, for the full cropts and years of God 1639. and 1640. yeares, are and ſhalbe due to the publike, Together with all reſts of the ſaids rents preceding the ſaid two cropts not truly paid nor diſcharged, where there are not true Creditors to affect the ſaids preceding reſts: Which Creditors ſhall have preferance from the ſaids reſts of the cropt 1638. and precedings allanerly. And farther, if there be any part of the ſaids rents uplifted by publike order of the cropt 1641. yeares, his Majeſty and Eſtates foreſaids hereby diſpences therewith in favours of the publike: And generally, our Soveraigne Lord and Eſtates of Parliament doe hereby grant full power, warrant, and commiſſion to the ſaids Commiſſioners, and their *Quorum* foreſaid, to do, act, exerce, preſcribe, proſecute, and follow forth, all and every thing neceſſary and behoofeful, as well for clearing, allowing, fitting, and cloſing of the whole common burthens and debts due by the country, and contracted and advanced for the publike uſe foreſaid, and for reducing them in order, and for relief, payment and defrayment of the ſamine, and for clearing the accounts of all others, who have had intromiſſion or publike charge either within or without the Country, and for calling of them and all others adebted to the publike in any ſummes, goods, victual, or other commodities whatſoever, to a full account, and to do, act, and preſcribe all other courſes, orders and waies neceſſar, concerning the whole premiſſes, or concerning any thing which may come in conſideration thereanent, or which may fall under the counts of the ſamine: And what ever debts and burdens ſhall be approven and allowed by the ſaids Commiſſioners or their *Quorum*, His Majeſtie and Eſtates findes and declares the ſamine to be lawfull debts and burdens, To affect and burden the Eſtates of this Kingdome, and oblige the ſaids Eſtates, and whole body thereof, To pay, relieve and defray the ſame: Like as whatſoever counts ſhall be approven and allowed, or diſallowed by them, the ſamine ſhall be ſufficient for the exoneration and clearing of the perſons comptars and others contained thereintill: And what ever diſcharges beis granted by them, or any others collectors, commiſſars, or others, to be ſubſtitute, authorized and warranted by them, ſhall be ſufficient exonerations and ſecurities to the receivers of the ſamine: It

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is hereby declared, That ſuch counts as are already approved and allowed by the late Committees of Eſtate, or either of them, ſhall ſtand good and vallid, and ſhall not be quarrelled by the ſaids Commiſſioners, without prejudice to them, to call for, and peruſe the ſamine accounts for the better ordering and cleering of the common counts and burdens of the Kingdome: And with power likewiſe to the forenamed Commiſſioners and their *Quorum* foreſaid, to preſcribe wayes and rules to the particular ſhires, presbyteries and diviſions for reliefe, ſtenting and payment amongſt themſelves, of all publike deburſments, advancements and ingagements, contracted, undertaken, furniſhed, or deburſed by the ſaids ſhires, presbyteries and diviſions, or by their committees of warre, or any particular perſons among them, for the common uſe and behoof of the ſaids ſhires, diviſions, and presbyteries, either for Armes, the twentieth penny, forty dayes, and Officers pay, or for any publicke uſe within the ſaids Shires or Diviſions, to the effect that all the Heritors and Inhabitants within the ſamine may be equally ſtented and burdened with the common burdens of their own Shire and Diviſion where they dwell, and to cauſe put the ſaids orders for the ſaid common reliefe to due execution. And our Soveraign Lord and Eſtates of Parliament finding it juſt and equitable that the ſaids Commiſſioners, their charges and expences in attending and exercing of the foreſaid truſt and commiſſion put upon them, ſhould be payed and defrayed by the publick: Therefore our ſaid Soveraigne Lord and Eſtates foreſaids doe hereby modifie and allow to the ſaids Commiſſioners, and ilk one of them, in their ſeverall degrees, according to the time and ſpace of their attendance *reſpective*, the like fees and allowance as were formerly allowed by the Eſtates conveened in January laſt, to the members of the late Committee of Eſtates, conforme to an Act made thereanent of the date the day of the ſaid moneth of January laſt, Which fees and allowances ſhall be payed to them, and every one of them, according to the time and ſpace of their exact attendance, to be cleered by the ſederunt book of the dyets of their meetings, teſtified or ſubſcribed by the Clerk of the ſaid Committee or his deputes, under their hands, teſtifying the time and ſpace of ilk perſon their attendance, which ſhall be a ſufficient warrant to the Commiſſars or Collectors of the publicke dues, to pay the ſame allowance to the ſaids Commiſſioners, ilk one of them for their owne parts: And ſhall be allowed to the ſaids Commiſſars, Collectors, or their Deputes in their accounts. And it being neceſſary that there be an able, qualified and truſty Clerk nominated and appointed for the foreſaid Committee, and for keeping of all the papers, warrants, records, and regiſters concerning the whole premiſſes, And his Majeſty and Eſtates foreſaids having the proofe and experience of the truſt and abilitie of *Robert Hepburne* Advocate, for diſcharging of the foreſaid office and place as Clerk to the ſaid Committee: Therefore our ſaid Soveraigne Lord and Eſtates foreſaids doe hereby nominate and conſtitute the ſaid *Robert Hepburne* to be Clerke to the ſaid Committee, and ordaines the former fee and allowance appointed for the ſaid *Robert* as Clerk to the ſaid late Committee of Eſtates reſiding at Edinburgh,

Edinburgh, to continue and be payed to him during his ſervice in the foreſaid office: And with power to him to appoint ſubſtitutes and deputes, for whom he ſhall be anſwerable for ſerving in the foreſaid place, Granting to him and them, all priviledges, fees, liberties, and immunities belonging to the foreſaid office: Which Clerke and his foreſaids ſhall have the charge, truſt, keeping and ordering of all the papers, warrants, records, and others which concerne the premiſſes: And the Acts, extracts, records, and warrants to be ſubſcribed by the ſaid Clerk and his ſubſtitutes, ſhall beare als full faith as the acts or extracts of any other Clerk within this Kingdome. And in like manner, with power to the ſaids Commiſſioners or their *Quorum*, to appoint, allow, and modifie competent fees, allowances, and recompences, to the generall Officers and all others perſons who have been employed in the publick ſervice, and whoſe fees and recompences are not already allowed and appointed: And alſo with power to them to allow and appoint ſuch fees and recompences to all others who ſhall neceſſarily be imployed and intruſted by them, as they ſhall find reaſonable. And in caſe any of the above named Commiſſioners ſhall happen to depart this life during the indurance thereof, It ſhalbe leaſome to the reſt of the ſaids Commiſſioners of that Eſtate, or moſt part thereof, to elect, nominate, and appoint others in the place of theſe who ſhall happen to depart, ilk Eſtate chooſing Commiſſioners in place of theſe who ſhall happen to deceaſe of their own eſtate. Like as our ſaid Soveraign Lord and Eſtates of Parliament doe hereby require and command all and every perſon within this Kingdome, and all others whom the ſamine may concerne, as they will anſwer at their higheſt perill, that they give exact and ready obedience to ſuch orders, warrants, letters and directions, as ſhall be given forth, ordered, and directed by the ſaids Commiſſioners, or their *quorum* foreſaid, anent the whole premiſſes: Requiring alſo all Sheriffes of Shires, Magiſtrates of Burroughs, Stewards of Stewartries, Bailiffes of Regalities, Provoſts and Bailiffes of Burghs, and all others perſons whatſoever, upon their higheſt perill, as they ſhall be required, to aſſiſt and concurre to the executing and obeying of ſuch orders, warrants, and other diſpatches, as ſhall be directed and given forth by the ſaids Commiſſioners to the effect above ſpecified: With power likewiſe to the ſaids Commiſſioners, and their *Quorum*, to call for the aſſiſtance, advice, and information of any perſons within this Kingdome, of whatſoever quality, for cleering of whatſoever queſtions, doubts, or ſcruples which may ariſe & occurre in any particular concerning the premiſſes, as occaſion ſhall offer, who are hereby required to aſſiſt the ſaids Commiſſioners by their preſence, counſell, information, and advice, as they ſhall be deſired for that effect. And it is ordained, that horning, pounding, and caption, and all other manner of execution perſonall and reall, ſhall be directed upon all warrants, acts, and orders of the ſaids Commiſſioners, and their *Quorum*, for the better obeying and executing of the ſamine: and for the more ready and timous payment of the ſaid publicke dues: Which Commiſſioners above named are and ſhall be liable and countable to his Majeſtie

and the Parliament, for their exact diligence, and constant attendance, And for their carriage in the right discharging of this present Commission intrusted to them, and every part and particular thereof, Like as they shall be obliged to report and represent to the next Parliament a full accompt of their proceedings and deportments anent the premisses, Together with the true estate and condition of the burdens and affaires of the publick, to the effect that his Majestie and the Parliament, after consideration of the premisses, and of their proceedings and carriage thereintill, may take such farther course thereanent, as shall be found expedient: And it is also hereby declared, That the nomination made by his Majestie and the Parliament of a Clerke to this Commision, is, and shall bee but prejudice of the Clerk of the Registers right to depute Clerks to all other Commisions from the Parliament, seeing the present Clerk Register consented to the Parliaments chooſing of a Clerk to this Commission, in respect the present Clerke Register being generall Commissar to the late Armie, is a principall partie to compt to this Commision for his charge and discharge, and so could not depute a Clerk to this judicatorie, where he is to make his own compts.

ACT XXV.

ACT OF APPROBATION TO THE Committee of Estates. 15. *November*, 1641.

OUr Soveraigne Lord, with advice and consent of the Estates of Parliament, considering that forsameikle as the Estates of Parliament in *June* 1640. for the reasons and considerations at that time moving them, did nominate, elect, chooſe and appoint umwhile *John* Earle of *Rothes*, *John* Earle of *Cassils*, *Charles* Earle of *Dumfermling*, *John* Earle of *Wigtoun*, *William* Earle of *Lothian*, *John* Lord *Lindesay*, *John* Lord *Balmerino*, *Robert* Lord *Burghlie*, *James* Lord *Couper*, *John* Lord *Loure*, Sir *Alexander Gibson* of Durie, Sir *John Hope* of Craighall, Sir *John Scot* of Scotistarbet, Senators of the Colledge of Justice, Sir *Patrik Hepburne* of Wauchtoun, Sir *David Home* of Wedderburne, Sir *Patrik Murray* of Elibank, Sir *Patrik Hamiltoun* of Little-prestoun, Sir *William Cunyngham* of Capringtoun, Sir *William Douglas* of Cavers, Sir *Thomas Nicholson* of Carnok, *James Chalmers* of Gadgerth, Sir

Sir *Thomas Hope* of Kerſe, *Drummond* of Riccartoun, *John Forbes* of Leſlie, Mr. *George Dundaſſe* of Maner, *John Smyth*, *Edward Edgar*, *Thomas Paterſon*, *Richard Maxwell*, Burgeſſes of *Edinburgh*, Mr. *Alexander Wedderburne* Clerk of Dundie, Mr. *Alexander Jaffray*, Burgeſſe of Aberdene, or Mr. *William More*, in his abſence, *William Hamiltoun*, Bailiffe of Linlithgow, *James Sword*, Burgeſſe of Saint Andrewes, *George Porterfield*, Bailiffe of Glaſgow, *Hugh Kennedie*, Bailiffe of Air, *James Scot*, Burgeſſe of Montroſe, and *John Rutherfurd*, Proveſt of Jedburgh, and certaine other perſons to be Commiſſioners from the ſaids Eſtates, to whom they gave and granted full power, warrand, and commiſſion, to doe, order, direct, act, and put in execution every thing neceſſarie, expedient and incumbent, as well for the preſervation and maintenance of the Armies, both Horſe and Foot, by Sea and Land, as for the ordering of the Countrey, and whole Bodie and Inhabitants thereof, deciding of queſtions and debates, which ſhould happen to ariſe, or fall out in any buſineſſe, which ſhould occaſion or offer within the Kingdome, concerning the peace and quiet thereof: But prejudice of the ordinarie judicatories, eſtabliſhed within this Kingdome, by Acts of Parliament, And with power to them to borrow, up-take, and levie moneys for the uſe of the publick, and to give, and preſcribe order and directions for disburſing thereof: And generalitie, did give them full power, To doe all and ſundrie other things, requiſite anent the ordering, directing, managing, proſecuting, and executing of all affaires and buſineſſe of this Kingdome, which might or ſhould conduce to the weal of the ſamine, or any part thereof, and which might, or could be needfull to be done by them for maintenance, and preſervation of the religion, and liberties of this Kingdome, anent the premiſſes, as the ſaid commiſſion, of the date the 11. day of *June*, 1640. in the ſame at more length beares: And ſiclike, the ſaids Eſtates did nominate and conſtitute Mr. *Adam Hepburne* of Humbie, to be Clerk to the ſaid Commiſſion, and gave him power to ſubſtitute deputes, one or more: And his Majeſty, and the ſaids Eſtates, now preſently conveened, having taken to conſideration the paines taken by the ſaids Noble-men, Barons, Burgeſſe, and other particularly above-rehearſed, als well theſe who remained at *Edinburgh*, as theſe who went along with the Armie, and reſided at the Camp, or ſent as Commiſſioners to *Rippon* and *London*, and of the ſaid Mr. *Adam Hepburne*, and *Robert Hepburne* his Colleage, who ſerved as Clerks in the ſaid Commiſſion: They find that they have walked uprightly, faithfully, diligently and carefully, in the diſcharge of the ſaid Commiſſion, anſwerable to the truſt impoſed upon them, And therefore his Majeſty, with advice and conſent of the ſaids Eſtates, hath approven, and by thir preſents approves their proceedings and carriage therein, And declares them, and every one of them, to have done good ſervice to his Majeſty, and this Kingdome, and that they have behaved themſelves as good Chriſtians, loyall Subjects, and well deſerving Patriots.

ACT XXVI.

ACT FOR RELIEFE OF THOSE WHO Have given band for the uſe of the publike.

15. *November*, 1641.

OUR Soveraigne Lord and Eſtates of Parliament, Conſidering that the members of the late Committees from the ſaids Eſtates of Parliament, to whom the furniſhing of the Armes, and all other neceſſary expences concerning the publike was intruſted, conforme to the power and commiſſion given to them, as likewiſe others, who were not of the Committee, and alſo the generall Commiſſar or his deputes, Having borrowed and undertaken great ſummes of money for the neceſſair uſe and behoof of the publike, for the which ſummes and debts, contracted by the ſaids Committees, They have given ſecurity to the parties, partly by publike acts, in name of the Eſtates, And where many perſons were difficile and ſcrupulous, to advance and lend moneys, and other neceſſairs upon the publike ſecurity, Theſe of the ſaids Committees, and others foreſaids, have given their owne particular bands, and have moved divers others perſons to give band and ſecurity to the lenders of the ſaids ſummes, bearing borrowed money without any relation to the publike: Likeas divers Noblemen, Barons and Burrowes, and others, before the eſtabliſhing of the ſaids Committees of Eſtates, did willingly, for advancement of the publike ſervice, give their particular bands for great ſummes of money for the publike uſe, and which were given in to the Commiſſars and Collectors, and counted for by them in their accounts, whereby the forenamed perſons who have granted ſuch bands, may be diſtreſſed for payment of the ſaids ſummes, at the inſtance of the perſons to whom they are bound, So as for their furtherance and affection to the advancement of the publike ſervice, their Eſtates and Credit may bothbe indangered, unleſſe remeed be provided: And his Majeſty & Eſtates foreſaid, being careful that neither the members of the ſaids Committees, nor any others perſons may ſuffer prejudice in their eſtates or credit, by or through any bands granted by them to any perſons for lent money, ſilver plate, or any other neceſſary commodity, furniſhed and advanced for the publike uſe, But that they and every one of them, their heires and executors, be freed and relieved by the ſaids Eſtates of the ſamine, and of all dammage, perill and danger which they may incurre and ſuſtaine there through, It being made appear, that the ſummes of money, or other commodities, for the which they have given band, as ſaid is, are counted for, or applyed for the uſe of the publike, and approven by publike act, order and warrand: Therefore Our ſaid Soveraign Lord and Eſtates of Parliament, by vertue of this preſent Act, do hereby bind and oblige the Eſtates of this Kingdom, to warrand and relieve the ſaids members of the ſaid Committees of Eſtate, and all others perſons whatſoever, who have given band

band and ſecurity for any ſummes of money, or other commodities for the uſe of the publike, and whereof count and reckoning is, or ſhall be made and approven, whereby it may appear, that the ſamine are imployed for the uſe of the publike, by publike warrand, as ſaid is: And for their better relief of the ſame, The ſaids Eſtates of Parliament, binds and obliges them and the whole body of this Kingdom, to make paiment to the perſons creditors, to whom the ſaid bands and ſecurities are given of the ſame ſummes, and others commodities or prices thereof, and that at the termes of payment, appointed by the ſaids bands, with the intereſt thereof, conforme thereto in all points, And to purchaſe and deliver to ilk perſon ſo bound, as ſaid is, their ſaids bands given by them, or ſufficient diſcharges of the ſamine, with all convenient diligence, and in the mean time to keep them harmleſſe and skaithleſſe of the ſamine bands, and of all execution, perill and danger which may follow thereupon: So being that the ſummes and goods contained in the ſaids bands have been applyed to the publike uſe, by publike order and warrant, as ſaid is, and are, or ſhall be counted for, & approven in the accounts of the common burdens of this Kingdom: Which bands ſo contracted and undertaken, are hereby declared to be publike debts upon the Eſtates, and ſhall affect and burden them, notwithſtanding that the ſamine be given by particular perſons, without relation to the publike, in manner foreſaid.

ACT XXVII.

COMMISSION FOR RECEIVING OF THE Brotherly aſſiſtance from the Parliament of *England*, 15. *November*, 1641.

OUr Soveraigne Lord, and the Eſtates of this preſent Parliament, Conſidering that of the brotherly aſſiſtance promiſed, and obliged to be payed by the Parliament and Kingdome of *England*, to this Kingdome of *Scotland*, for relief and defrayment of the common burdens and loſſes of the ſamine, There is yet reſting the ſumme of two hundreth and twentie thouſand pounds ſterling money, conforme to the articles of the late treatie, and an act of publick faith, granted by the Parliament of *England*, for payment thereof, at the termes therein contained: Therefore our ſaids Soveraigne Lord and Eſtates of Parliament, Doe hereby grant full power, warrand, and commiſſion, and appoints, nominats, and authorizes the perſons particularly after nominated, *viz.* *John* Earle of Lowdoun, Chancellour of *Scotland*, *Archbald* Marques of Argyle, *Alexander* Earle of Eglintoun, *John* Earle of Caſſils, *William* Earle of Glencairne, *John* Earle of Lauderdail, *William* Earle of Lothian, *John* Earle of Lindeſay, *David* Earle of Southesk, *James* Earle of Findlater, *John* Lord *Sinclair*, *John* Lord *Balmerino*, *Robert* Lord *Burghlie*,

George Lord *Forreſter*, Sir *Charles Erskene* of Bandeth, Sir *David Home* of Wedderburne, Sir *Robert Innes* of that ilk, Sir *George Dundas* of that ilk, Sir *William Cunyngham* of Capringtoun, Sir *John Wauchope* of Nidrie, Sir *Alexander Erskene* of Dun, Sir *Gilbert Ramſay* of Balymayne, Sir *Duncane Campbell* of Auchinbrek, Sir *William Forbes* of Craigievare, Sir *Robert Grierſone* of Lag, Mr. *George Douglas* of Bonjedburgh, *William Rig* of Ethernie, *Alexander Gordoun* of Earlſtoun, *John Binnie* Burgeſſe of Edinburgh, *Thomas Durham* Burgeſſe of Pearth, *Patrik Leſlie* Burgeſſe of Aberdene, *George Bell* Burgeſſe of Linlithgow, *Patrik Bell* Burgeſſe of Glaſgow, *James Sword* Burgeſſe of Saint Andrewes, *John Kennedye* Burgeſſe of Air, *John Semple* Burgeſſe of Dumbartane, *William Glendoning* Burgeſſe of Kirkcudbright, *James Scot* Burgeſſe of Montroſe, Mr. *Robert Barclay* Burgeſſe of Irving, *James Anderſon* Burgeſſe of Couper, *George Gardine* Burgeſſe of Bruntiland, and Mr. *Alexander Dowglas* Burgeſſe of Bamff, Together with *Alexander* Earle of Levin, and Sir *Adam Hepburne* of Humbie, one of the Senators of the Colledge of Juſtice, whom his Majeſty and Eſtates of Parliament addes to the foreſaid number as ordinair members with the reſt, to be Commiſſioners from his Majeſty and the Parliament, to the effect after ſpecified, Granting and committing, like as his Majeſty and Eſtates foreſaids, doe by vertue of thir preſents grant full power, warrand and commiſſion to the forenamed perſons, or to any twelve of them, who ſhall be a *quorum*, there being alwayes three of them of ilk eſtate, either by themſelves, or by ſuch others perſons, as ſhall be intruſted and authoriſed by them, or their *Quorum* foreſaid, for that effect, to crave, receive, uplift, and intromet with the foreſaid ſumme of two hundreth and twentie thouſand pounds ſterling money foreſaid, yet reſting unpayed of the ſaid brotherly aſſiſtance, promiſed and obliged to be payed by the ſaid Parliament of *England*, in manner foreſaid: And with power to the ſaids Commiſſioners, or ſuch as ſhall be appointed by them, as ſaid is, to give and grant diſcharges upon the receit of the ſaid ſumme in whole, or in part, which ſhall be als vallid and ſufficient, as if the ſamine were granted by his Majeſtie, and whole body of this preſent Parliament, And with power to them, to ſetle, accord and agree upon the beſt wayes and courſes how the ſaid brotherly aſſiſtance may be moſt timouſly & conveniently payed at the termes of payment appointed for that effect, or otherwiſe, how the ſamine may be advanced, either by exchange or otherwiſe, for defrayment and reliefe of the ſaids common burdens, as may be moſt conducible for the reliefe and good of the publick. And whatever acquittances or diſcharges the forenamed perſons, or ſuch other perſons as ſhall be authorized by them, ſhall grant & ſubſcribe upon the receit of the ſaid ſumme, or any part thereof, or whatever other courſe they ſhall accord and agree upon concerning the ſamine, his Majeſty and the Eſtates of Parliament doe by theſe preſents approve and authoriſe the ſame, and if need bee, ſhall ratifie the ſamine in the next enſuing Parliament: And generally, our ſaid Soveraigne Lord and Eſtates foreſaids, grants and commits full power and commiſſion to the forenamed perſons and their *Quorum* foreſaid, and to theſe who

ſhall

ſhall be authoriſed by them, as ſaid is, to doe, exerce, accord, and agree upon all, and every thing neceſſary, anent the payment and recoverie of the foreſaids ſummes, and every thing elſe, which may concerne the ſamine, in all reſpects needfull and expedient, Whereanent our ſaid Soveraigne Lord and Eſtates of Parliament, declares that thir preſents ſhall be a good and ſufficient warrand for them, and all others whom the ſamine may concerne, the forenamed Commiſſioners, and theſe to be authoriſed and appointed by them for the effect above ſpecified, being alwayes comptable and anſwerable for their carriage and proceedings in the premiſſes.

ACT XXVIII.

ACT AGAINST GOING OF Salt-pans and Mils on the Lords day, and other prophanations of that day.

15. *November*, 1641.

OUR Soveraign Lord and Eſtates of Parliament, Conſidering notwithſtanding the Acts of the Generall Aſſembly, ratified in this preſent Parliament, *June* 1640. againſt the prophaning of the Lords day, by going of Salt-pans, Salmond fiſhings, Kils, Mils, and hyring of ſhearers on the ſaid day, yet the ſaids abuſes are not left off, but rather increaſed: Therefore Our Soveraign Lord and Eſtates foreſaids, for the better reſtraint of the ſaids abuſes and prophanations, do againe inhibite and diſcharge all going of Salt-pans, or Mils, and all working of works thereintill upon the Lords day, and all hyring and conditioning of ſhearers on the ſaid day, and that under the paines and penalties following, to be payed to the particular Seſſions of every paroch wherein the abuſes before ſpecified are committed, to be imployed to pious uſes, *viz.* The ſumme of twenty pounds for ilk day foreſaid, working in manner foreſaid, of ilk Salt pan; of ilk dayes fiſhing of Salmond; and of ilk Mill; to be payed by the heritors and poſſeſſors thereof, for the time, and the maſters to be anſwerable for their ſervants, And the ſumme of ten pounds for ilk ſhearer and fiſher of Salmond on the Lords day; the one halfe to be payed by the hyrers and conducers, the other halfe by the perſons hired, *toties quoties*: And ordaines the magiſtrates of the town, to keep the tranſgreſſours in ward while they pay the ſaid penalties, for the which the Magiſtrates ſhall be anſwerable to their ſeſſions. And further, Our ſaid Soveraign Lord and Eſtates, do hereby inhibite and diſcharge all Markets, uſing of Merchandize, carrying of loads upon the Lords day, and all other prophanations or abuſes thereof whatſoever: And that under the ſame pain of ten pounds, to be payed by

by every tranſgreſſour to their Seſſions *reſpective*, for the uſes foreſaid *toties quoties*: And ordaines the ſaids penalties *reſpective* above ſpecified, to be exacted, by and attour the confiſcation of the ſalt, corne, marchandize, loads, and other goods whatſoever, imployed, uſed, gayned, or made and wrought, in the prophaning and abuſing of the ſaid Lords day, which paine is alſo hereby ordained, And if the tranſgreſſours be not able to pay the penalties foreſaids, ordaines them to be puniſhed exemplarly in their bodies, according to the merit of their fault, *toties quoties*.

ACT XXIX.

ACT ANENT THE NOMINATION AND Election of Sir *James Galloway* to be Maſter of Requeſts. 15. *November*. 1641.

THE which day the Kings Majeſty, with advice and approbation of the Eſtates of Parliament, nominated and elected, Sir *James Galloway*, to be Maſter of Requeſts, of this His Highnes Ancient and Native Kingdome of *Scotland*, and that *ad vitam vel culpam*, conforme to the Act of this preſent Parliament made anent the Election of Officers of Eſtate, Councellours and Seſſioners, upon the ſixteenth day of September, laſt by paſt: Like as His Majeſtie, with advice and approbation foreſaid, Gives and diſpones to the ſaid Sir *James Galloway*, *ad vitam vel culpam*, as ſaid is, the foreſaid office, To be Maſter of Requeſts of this His Majeſties Kingdome: With all Honours, Dignities, Priviledges, Profits, Caſualities and Liberties pertaining to the ſamine office, which have been poſſeſt and bruiked by any preceding Maſter of Requeſts, and which may be now bruiked by the Lawes of this Kingdome: And ordains a gift to be paſt and exped, under his Highnes great ſeale, to the ſaid Sir *James Galloway*, of the foreſaid office: With all Honours, Dignities, Profits, Caſualities, Liberties and Priviledges pertaining and belonging thereto, as ſaid is.

ACT.

ACT XXX.

ACT ANENT THE COMMISSION FOR Plantation of Kirks, and Valuation of teinds.

15. *November*, 1641.

OUR Soveraign Lord and Eſtates of Parliament, Conſidering the humble Supplication of the generall Aſſembly, preſented by the Commiſſioners thereof, for planting of Kirks, uniting or diſ-uniting of Paroches, and for other pious and good workes mentioned therein till: For the which, and other cauſes after ſpecified, It is neceſſair, That power & commiſſion be given from His Majeſty and Eſtates to the effect under-written, And therefore His Majeſty and Eſtates foreſaid, have granted, and by theſe preſents grant full power & commiſſion to the perſons after following, *viz.* *Iohn* Lord *Lowdoun* Chancellour, *Archbald* Earle of *Argyle*, *Alexander* Earle of *Eglintoun*, *Iohn* Earl of *Caſsils*, *William* Earle of *Glencairn*, *Iohn* Earle of *Lauderdail*, *William* Earle of *Lothian*, *David* Earle of *Southesk*, *Iames* Earle of *Findlater*, *Iohn* Lord *Lindeſay*, *Iohn* Lord *Sinclair*, *Iohn* Lord *Balmerino*, *Robert* Lord *Burghly*, *George* Lord *Forreſter*, Sir *George Dundas* of that ilk, Sir *Iohn Wauchope* of *Nidrie*, Sir *David Home* of *Wedderburn*, Sir *William Forbes* of *Craigievare*, Sir *Gilbert Ramſay* of *Balymayn*, Sir *William Cuninghame* of *Caprintoun*, *William Rig* of *Ethernie*, Sir *Duncan Campbel* of *Auchinbrek*, Sir *Alexander Erskene* of *Dun*, Sir *Charles Erskene* of *Bandeth*, Sir *Robert Innes* of that ilk, *Alexander Gordoun* of *Earlſtoun*, Sir *Robert Grierſone* of *Lag*, Maſter *George Douglas* of *Bonjedburgh*, *Iohn Binnie* for *Edinburgh*, *Thomas Durham* for *Pearth*, *Patrik Leſlie* for *Aberdene*, *George Bell* for *Linlithgow*, *Iames Sword* for Saint *Andrews*, *Patrik Bell* for *Glaſgow*, *Iohn Kennedy* for *Air*, *Iohn Semple* for *Dumbartan*, *William Glandoning* for *Kirkcudbright*, *Iames Scot* for *Montroſe*, Maſter *Robert Barclay* for *Irving*, *Iames Anderſon* for *Couper*, *George Gardine* for *Bruntiland*, Maſter *Alexander Douglas* for *Bamff*, *Robert* Earle of *Roxburgh* Lord Privie-Seal, Sir *Alexander Gibſon* younger of *Durie* clerk Regiſter, Sir *Thomas Hope* of *Craighall* Advocate, Sir *Iames Carmichael*, Theſaurer Depute, Sir *Iohn Hamiltoun* Juſtice clerk, & Sir *Andrew Fletcher* of *Innerpeffer*, Sir *Thomas Hope* of *Kers*, and Sir *Adam Hepburn* of *Humbie*, three of the Senatours of the Colledge of Juſtice, To meet and conveene at Halyrude-houſe, or Edinburgh, or ſuch other places as ſhall be appointed by them, at ſuch times and dyets as they ſhall appoint, And to value, and cauſe value whatſoever teinds, great or ſmall, Perſonage or Viccarage of whatſoever Lands, and others within this Kingdome, liable to the payment of teinds, of whatſoever nature and quality the ſamine be of, which are yet unvalued: Providing the Miniſters ſerving the cure, who doe lead tithes, be ſecured of good and thankfull payment of ſo much victuall, or money, anſwerable to the worth of the ſaids tithes, as the tithes ſhall be valued to: And als to receive the reports from the Sub-commiſſioners appointed within ilk Presbyterie of the valuations of whatſoever teinds of lands and others, lyable to teind, as ſaid is, led and deduced

deduced before them, according to the tenor of the Sub-commiſſions direct to that effect, And to allow or diſallow the ſamine, according as the ſame ſhall bee found agreeable, or diſagreeable from the tenor of their Sub-commiſſions, And for the better expeding, and advancing of the ſaids valuations, with power to appoynt Committees or Sub-committees of their owne number, to receive the reports of the ſaids valuations made, or to bee made, and to receive, admit and examine witneſſes, And to take parties oath with their depoſitions, where the ſame is referred to oath, and to give ſuch farther power to the ſaids Committees or Sub-committees of their owne number, as they ſhall think fit for the good of the work and ſpeedy finiſhing of the ſame: And ſiclike, with power to them, if need bee, to appoynt Sub-commiſſioners who are not of their owne number within any Parochine, or Presbyterie of the Countrey, for leading and deducing of the ſaids valuations, and to receive the reports thereof, allow, or diſallow of the ſamine: And generally, with power to them, to ſet downe whatſoever other order or courſe, which ſhall be thought fit and expedient for diſpatch of the ſaids valuations rectifiying thereof, and for finall cloſing of the ſame: And ſiclike with power to the ſaids Commiſſioners, or any fifteene of them, there being foure thereof for every Eſtate, after cloſing and allowance of the valuations of ilke Kirke and Pariſh, or at leaſt the exact diligence of the Miniſters done to that effect, to appoynt, modifie and ſet downe a conſtant, and locall ſtipend, and maintenance to ilke Miniſter (his preſent ſtipend being allowed in the firſt end thereof) to bee payed out of the teinds thereof: And to grant augmentations to ilke Miniſters of other Kirks nor Biſhops Kirkes, who got not the benefit of the former Commiſſion, and have not the full quantity of eight chalders victuall, or eight hundred markes according to the tenor of the Acts of Parliament made, *in anno* 1633. wherein that is found to bee the loweſt proportion for the maintenance of the Miniſters, except ſuch particular Kirkes occurre, wherein there ſhall bee juſt, reaſonable, and expedient cauſes to goe beneath the ſaid quantity, which is hereby alſo referred to the conſcionable conſideration of the Commiſſioners before expreſt, And to grant augmentations to Miniſters of Kirkes, which were provided by the former Commiſſion, but to a leſſe quantity nor eight chalders victuall or eight hundred markes in the caſes after following allanerly, *viz.* where the teinds in whole or in part are fewed with the lands *cum decimis incluſis*, whereby the Miniſters were debarred of the full quantity foreſaid, or where the valuations already led, the time of the proviſion of theſe Kirkes ſhall happen to bee reduced as unjuſtly valued, or where it can be proved by writ or oath of party, that the leſſe quantity foreſaid proceeded from pactions betwixt the Titular and the Miniſters, or Titular and Parochiners in prejudice of the Miniſters Succeſſors, or where the honeſt Incumbents for the time were impeded by the Prelates for their never practiſing conformity, to obtaine the full quantity in the former Commiſſion, albeit there was ſufficiency of teinds within the Paroch: In the which caſes, or any of them, it is hereby declared, that the Miniſters provided by the former Commiſſion, ſhall bee ſupplied

to

to the full quantity foreſaid: Like as hereby it is declared, that all Biſhops Kirkes, whether or not provided at all, or provided by the former Commiſſion, but beneath the quantity foreſaid, ſhall bee ſupplied to the full quantity of eight chalders victuall, or eight hundred marks, out of the tithes of their owne Pariſh, and where the ſame cannot bee had, then out of the teinds of the other Kirkes of that Biſhoprick: And that all Kirks that had greater quantity of ſtipend before the reſtitution of Biſhops nor they now have (except they have beene diminiſhed by juſt valuations) ſhall bee ſupplied, and brought to the ſame quantity whereof they were in poſſeſſion before the ſaid reſtitution, to bee payed out of their owne Paroch, and where it is in-lacking, to bee payed out of the tithes of the Biſhops Kirkes: For the which effect, the Kings Majeſty and Eſtates of Parliament grants power to the Commiſſioners foreſaid or any *Quorum* of them, and als gives power to the ſaids Commiſſioners, to diſ-joyne too large and ſpacious Kirks, and plant them ſeverally, and to cauſe build, and erect new Kirks, and appoynt competent proviſions for the Miniſters to change Kirks incommodiouſly ſituate, to a more commodious part of the Paroche, to diſ-joyne and diſmember ſuch parts and portions of Parochins lying *contigue*, and whereof ane part is farre diſtant from the proper Paroche Kirke, and more neere and eweſt to the next adjacent and contiguous Paroche Kirke, from their owne proper paroch Kirke, from the which the parts and portions are farther diſtant, and to unite and adjoine them to the other paroch Kirk, to the which they are more eweſt: And als to unite Kirks and parochines lying ſo neere other, and being ſo little bounds, and ſmall number of Parochiners, that the union of them ſhall be found more uſefull and conducible for the good and eaſe of the Parochiners of both the Kirks, and their edification: Providing that the dividing of large parochs, the diſ-membring of ane part of the ſaids parochines in caſe foreſaid, and the uniting of Kirks and parochines of the qualitie above ſpecified, be done upon the ſpeciall recommendation of the Presbyterie, Synod, or Generall Aſſembly, given-in in writ, and after the Commiſſioners have cited and heard the Parochiners of both Kirks thereanent, and no otherwiſe: And to ſet down a ſolid order, and take courſe for furniſhing the elements to the Communion twice in the year, or oftner, where they are not provided at all, or not ſufficiently provided: And als to take order for paying of the charges of the Commiſſioners to the generall Aſſemblies, without burdening the Miniſters ſtipends therewith. And ſiclike, with power to them to adviſe, take courſe, and determine in all things referred to them by any particular act or reference from the generall Aſſembly to this Parliament, or from the Parliament to them: And becauſe the Kings Majeſty, conſidering that the names and titles of Biſhops and Biſhopricks by the Acts and Statutes of Kirk and Kingdome, are aboliſhed and ſuppreſſed, and that thereby the tithes, parſonage and viccarage, and teind duties of whatſoever Kirks or Titles, pertaining to the ſaids Biſhopricks, are become in his Majeſties hands, and at his Majeſties diſpoſing, And his Majeſty being graciouſly pleaſed, out of his pious and royall affection to the maintenance of the true Religion, and

puritie

puritie thereof, preſently eſtabliſhed within this his Majeſties ancient Kingdome, to take ſuch a courſe with the ſaids teinds and teind duties, pertaining to the ſaids Biſhopricks, and of all teinds and Kirks annexed thereto, that the ſamine may be applied to the uſe and benefit of the Miniſters ſerving the cure of the ſaids Kirks, and to the maintenance and ſupply of Univerſities, Colledges, and Schools: Like as his Majeſty before his comming to this his ancient Kingdome, in his owne royall perſon, ſent and directed his letters to the Generall Aſſembly of the Kirk, conveened at Edinburgh in July laſt, whereby his Majeſty declared his conſtant purpoſe and reſolution to imploy the teinds of the ſaids Biſhopricks to the uſes above ſpecified: And therefore his Majeſty, according to his royall promiſe, and for performance thereof, hath declared, and by thir preſents declares, by advice and conſent of the Eſtate, that the teinds and teind duties of all and whatſoever Kirkes, parſonage, and viccarage thereof, and teinds of whatſoever nature pertaining to the ſaids Biſhopricks, ſhall be applied to the maintenance of the Miniſtrie, and of the Univerſities and Colledges, and other pious uſes, and to no othet uſe, and that according as the ſame ſhall be particularly diſtributed by the Commiſſioners foreſaid, to whom his Majeſty and Eſtates grants power for this effect, And declares all gifts granted, or to be granted by his Majeſty, to whatſoever perſon or perſons of the foreſaid teinds and teind duties, or any part thereof, except to the uſes foreſaid, to be null in the ſelf: Excepting alwaies all gifts already granted by his Majeſty to whatſoever perſon or perſons of their own teinds, and to the maintenance of Univerſities and Colledges, they and every one of them alwayes being liable to the plantation of the Kirks to the full quantity contained in the Acts made thereanent. Likeas it is declared hereby, that all teinds and teind duties which belonged to Chapters, Deanes, Sub-deanes, and other dignities of the Chapters, ſhall bee liable to the like proviſions of the Kirks which were annexed thereto, according to the proportion of eight Chalders victuall, or eight hundred marks, forth of the teinds of their owne parochins allanerly, according to the Act of Parliament. And ſiclike, with power to the ſaids Commiſſioners, as ſaid is, to take order that every heritor and life-renter of land, having right thereto by infeftment of life-rent, right of terre, or by band for infeftment of life-rent, ſhall have the leading of their owne teinds, perſonage, and viccarage therof, they paying the price contained in the act above-ſpecified, Incaſe they be willing to buy the ſame from the titular, having power to ſell, or otherwiſe, Paying the rate of teind expreſt in the acts made thereanent. And to that effect with power to the ſaids Commiſſioners, to ſet down, the price of ſellable teinds, according to the worth thereof in each part of the country, where the ſamine grow and are bred. And als with power to them, to ſet downe ſuch good and ample ſecurities as may ſtand by law, both for the buyers of the teinds, to the effect the titulars may be fully denuded in their favours, And alſo for ſecurity to the titulars and ſellers of the price due to be payed to them for the ſaids teinds, And alſo to ſet downe the ſecurity in favours of the titulars and of the miniſters, ſo far as concernes the maintenance aſsigned to them

them for good, thankfull, and timous payment of the rate of teinds where the ſamine are not or cannot be ſold: And ſiclike, with power to the ſaids Commiſſioners, To diſcuſſe and determine all queſtions which may ariſe betwixt the titulars, and heritors, anent the price of teinds, according to the nature and quality of the rights to be ſold, whether the ſame be heretable or temporall, and to proportionate the price accordingly: And alſo to divide the price of teind betwixt the heretors and life-renters thereof, & betwixt titulars and takſmen, and others who have ſeverall and diſtinct rights to the ſaids teinds, ſellable according to the quality of the rights, And alſo with power to them to cauſe the titulars who ſell their ſaids teinds, to exhibit their rights and titles, to the effect they may be lawfully denuded thereof, in favours of the ſaids heretors and life-renters *reſpective*, without prejudice alwayes to his Majeſties annuitie to be payed forth of the ſaids teinds, by the ſaids titulars of teinds or heretors or life-renters of lands, according to the tenour of the act of annuity: And generally, with power to the ſaids Commiſſioners to decide and determine in all other points which may concerne the leiding and drawing of teinds, the ſelling and buying of the ſame, or payment of the rates thereof, contained in the acts of Parliament made thereanent: And whereas it may fall out that ſome of the Commiſſioners now appointed by his Majeſty and Eſtates, may be unable to attend the ſervice through death, ſickneſſe, or ſome other notar and knowne impediments, Therefore his Majeſty and Eſtates declares ſuch other perſons ſhall fill their places as his Majeſty ſhall think fit, by advice of the remanent Commiſſioners who muſt receive and admit them upon the ſaid Commiſſion, and take their oaths for faithfull diſcharge of the ſame: And his Majeſty and Eſtates ordaines this preſent Commiſſion to indure unto the
ay and while the ſamine be expreſly diſcharged by his Majeſties warrand, with conſent of the Eſtates for that effect: And his Majeſty with conſent of the Eſtates foreſaid, findes, declares, and ordaines the acts, decreets and ordinances of the Commiſſioners foreſaid, and of the other perſons who ſhalbe ſurrogate in their places by his Majeſty in manner foreſaid, in the whole particulars above ſpecified, and every one of them, to have the force, ſtrength and effect of a decree, ſentence, and Act of Parliament: And ordaines the Lords of Seſſion, to grant and direct letters of horning, pounding, and others thereupon, upon a ſimple charge of ten dayes, or otherwayes as ſhall be found neceſſarie: Attour for clearing of all doubts and difficulties, which may ariſe anent the rectifying of valuations, or other particular heads following, His Majeſtie and Eſtates have declared, and declares, that where valuations are lawfully led againſt all parties, having intereſt, and allowed by the former Commiſſioners, according to the order reſerved by them, that the ſamine ſhall not be drawn in queſtion, nor rectified upon pretence of *enorm leſioun*, at the inſtance of the Miniſter, not being titular, or at the inſtance of his Majeſties Advocate, for and in reſpect of his Majeſties annuity, except it be proved, that colluſion was uſed betwixt the titular and heretor, or betwixt the Procutor Fiſcall, and heretors, and

titular, which colluſion is declared to be where the valuations are led, with diminution of the third of the juſt rent, preſently payed: And which diminution ſhall be proved by the parties oaths: It is alwayes declared, that the proviſions of the former Commiſſion, ſo far as they are conceived in favours of the Colledges, Hoſpitals, and Miniſters, are herein renewed: As alſo that Miniſters ſerving the cure, who leade their teinds: And that Colledges, Schooles, and Hoſpitals, be not conſtrained to ſell, ſet, nor diſpone their teindes in prejudice of their ſucceſſours, notwithſtanding of the valuations thereof: Like as the Kings Majeſtie and Eſtates, grants power to the ſaids Commiſſioners, to do every thing neceſſary, for ſetling and eſtabliſhing the right of any teinds of the prelacies, appointed by them, in favours of the ſaids Kirks, Schooles, Univerſities, and Colledges, according to their ſeverall diviſions, as alſo to ſet down rules, and wayes, how the ſame ſhall not thereafter be delapidate, or made worſe by the titulars for the time, And his Majeſty and Eſtates declares, That all his Majeſties ſubjects, who are willing to buy their teinds, ſhall be obliſht to pay the price thereof contained in the Act made thereanent, within the ſpace of two yeares after the ſamine beis valued and approven before the ſaids Commiſſioners: And that after the expiring of the ſaid time, the titular ſhall not be compelled to ſell the ſamine, except they doe it of their owne good will, With this declaration alwayes, that in caſe the impediment induring the ſpace foreſaid, flow from the titular, by reaſon of his minority, or other inability, in that caſe the Heretor, who offereth himſelfe ready to buy his owne teind within the ſpace foreſaid, ſhall have place ſo ſoone as the impediment is removed, to buy his teinds notwithſtanding of the expiring of the yeares, and ſpace above expreſt: And it is declared, that if the heretors be minor, and his tutors neglect the buying of his teinds within the ſpace foreſaid, The minor ſhall have action for two yeares after his minority to compell the titular for ſelling of the ſaids teinds. Likeas his Majeſty and Eſtates of Parliament grants power to the ſaids Commiſſioners to give recompence to parties for the augmentation of ſtipends to be impoſed by this preſent Commiſſion in the ſame way as was done by ſome former Commiſſions, as 1617. yeares: Likeas it is hereby declared, that where by miſtaking and wrong compting, there was a greater quantitie aſſigned to the miniſter out of any mans teinds nor is due by proportion according to the valuation, that the Commiſſioners may rectifie the ſame without diminiſhing the miniſters ſtipend, or wronging his poſſeſſion, untill it be given out of other teinds in the paroch: Likeas it is declared, that where the aſſignations are made wrong in the quality that the ſame might be reduced to the juſt number of bols of meale, beire, and wheat, anſwerable to the valuation, With power alſo to the ſaids Commiſſioners to aſſigne the few dueties of the parts of land, called Parſons and Viccars gleibes, to the miniſters and others ſerving the cure.

ACT

ACT XXXI.

COMMISSION ANENT THE ARTICLES Referred to Consideration by the Treaty.

16. November, 1641.

OUr Soveraigne Lord, with consent of the Estates of Parliament, Considering that there are sundry heads of the Articles of the Treaty of peace betwixt his Majesty and his Subjects, and betwixt his Majesties Kingdoms of Scotland and England, which are referred to bee taken in consideration by the Commissionars, to bee appoynted by his Majesty with consent of both Parliaments, who shall have power to advise and treate thereupon, and to report their proceedings therein to his Majesty and to the Parliament of both Kingdomes *respective*, and specially the articles after specified: And his Majesty with consent foresaid being willing, that a Commission bee exped on their part for advising and treating upon the saids Articles, with the Commissioners chosen, or to bee chosen by his Majesty with consent of the Parliament of England, within which is included the Kingdome of Ireland: Therefore his Majesty, with advise and consent of the Estates, gives and grants full power and Commission to the persons after specified, *William* Earle of Lothiane, *John* Earle of Lindesay, Lord Parbrothe and Struther, *John* Lord Balmerino, Sir *Thomas Myretoun* of Cambo, Sir *Thomas Hope* of Kerse, Sir *Archbald Johnstoun* of Warieston, Sir *John Smyth* of Grottell Burgesse of Edinburgh, *Patrik Bell* Merchant Burgesse of Glasgow, and Mr. *Robert Barclay* Burgesse of Irving, as also to *John* Earle of Lowdoun Chancellour of Scotland, and *Archbald* Marqueese of Argyle, Earle of Kintyre, Lord Lorne, or any of them two, who beis at Court, To bee of the Commission with the remanent Commissioners above named: With power to the saids whole Commissioners above named, or any five of them, there being one thereof at least of every Estate, to conveene with the Commissioners chosen or to bee chosen by his Majesty with consent of the Parliament of England (within which is included the Parliament of Ireland, as said is) at whatsoever places and times convenient to bee accorded amongst them, and there to consult, advise, treat, and agree upon the speciall Heads and Articles following: *viz.* Anent the Demand concerning the making war with Forreigners, and anent Leagues and Confederations to bee made with forraign Princes and Estates, and concerning mutuall Supply in case of forraign Invasion, and also concerning mutual Trade and Commerce betwixt the Kingdome of Scotland, England, and Ireland, and anent the presing of Ships, and men, by sea or land, and als anent Naturalization and mutuall Capacity of the Subjects of both Kingdomes, who either of them, *respective*, of all Dignities, Liberties, Priviledges, and other Benefits Ecclesiasticall or civill, and others of that nature, and concerning the lawfullnesse and solemnity of the extracts of Bands or Decreets in either of the saids Kingdomes:

domes: And als concerning the manner of ſafe conduct for tranſporting from England to Scotland by ſea or land, in ſuch a way as may be moſt ſecure and leaſt chargeable to the eſtate of Scotland, of the moneys given and promitted by way of brotherly ſupply, and aſſiſtance to the Eſtate and Kingdome of Scotland by the Parliament of England: And concerning what aſſiſtance Scotland ſhall give to England for ſuppreſſing of the Rebellion in Ireland, or to the Prince Elector, conforme to the inſtructions given, or to bee given to them for that effect, by the Lords of ſecret Councell, to whom his Maieſty and Eſtates of Parliament remits the ſame: And what the ſaids Commiſſioners their treaties with the ſaids Commiſſioners of England and Ireland, reſolves and concludes upon, that they may make timous and due report thereof to his Majeſty and the Eſtates of this Kingdome.

ACT XXXII.

COMMISSION FOR CONSERVING OF The Articles of Treaty. 16. *November*, 1641.

OUR Soveraign Lord, Conſidering, That by the late Articles of Treaty, concluded betwixt the Commiſſioners of His Majeſties Kingdome of *Scotland* and *England*, Ratified by Parliaments of both Kingdoms: It is thought fit and neceſſary for obſerving the ſaids Articles of Treaty, made for eſtabliſhing a firme and conſtant peace, That Power and Commiſſion be granted by his Majeſty, by advice of the Eſtates of Parliament of both Kingdoms, to the effect contained in the ſaid Articles of Treaty, for performance wherof upon the part of His Majeſties ſaid Kingdom of *Scotland*, His Majeſtie with conſent of the Eſtates of the ſaid Kingdome by thir preſents, Gives and grants power and Commiſſion to the perſons after-ſpecified, *viz.* *John* Lord Lowdoun Chancellour, *James* Duke of Lennox, *James* Marqueſſe of Hammiltoun, *Archbald* Earle of Argyle, *William* Earle of Mortoun, *Alexander* Earle of Eglintoun, *William* Earle of Glencairne, *Charles* Earle of Dumfermling, *Robert* Earl of Roxburgh, *William* Earle of Lothian, *John* Earle of Lauderdaill, *George* Earle of Kynnowll, *William* Earle of Lanerk, *Alexander* Earle of Levin, *John* Lord Lindeſay, *John* Lord Balmerino, *James* Lord Almond, Sir *Patrik Hepburne* of Wauchtoun, Sir *George Dundas* of that ilk, Sir *Thomas Myretoun* of Cambo, Sir *Patrik Hammiltoun*, Sir *Thomas Hope* of Kerſe, Sir *Robert Innes* of that ilk, Sir *Archbald Johnſtoun*, Sir *Alexander Erskene* of Dun, Sir *David Home* of Wedderburne, Sir *Robert Grierſone* of Lag, Sir *William Scot* of Harden, Sir *Iohn Charters* of Amisfeild, *Rathven* of Frieland, *Campbell* of Ceſſnok, Sir *David Grahame* of Morphie, Sir *Hary Montgomrie*

gomrie of Giffen, Sir *William Forbes* of Craigievare, Sir *William Douglas* of Cavers, *Edward Edgar*, *Patrik Bell*, *William Glendoning*, *Iohn Smith*, Maſter *Robert Barclay*, *Thomas Durham*, *Iames Fletcher*, *Patrik Leſlie*, *Thomas Bruce*, *George Bell*, *Iames Sword*, *Iohn Rutherford*, Maſter *Iohn Corſer*, *Hugh Kennedye*, *Iohn Semple*, Maſter *Robert Cunyngham*, Maſter *Alexander Douglas*, *Richard Maxwell*, or any twelve of them, With power to them, or any twelve of them, as ſaid is, there being at leaſt two of every Eſtate at any time or times in the *Interim* betwixt the ſitting of the Parliaments, To conveene amongſt themſelves, or with the Commiſſioners choſen, or to be choſen to the ſame effect by His Majeſty, with conſent of the Parliament of *England*, within which is included the Kingdome of *Ireland*, at whatſoever places and times convenient to be accorded unto amongſt themſelves, And to be carefull, that the peace, now happily concluded, may be continued, And to endeavour by all lawfull meanes, for preſerving and keeping of the ſaids Articles of peace concluded in the foreſaid Treaty allanerly, And therewith to uſe all their care to preveen all trouble and diviſion which may ariſe by the breaking and violating of any of the ſaids Articles, concluded in the ſaid Treaty, as ſaid is: And if any debate or difference ſhall happen to ariſe, to the diſturbance of the ſaid common peace, That they labour to remove or compoſe the ſamine, according to their power granted to them in manner foreſaid, and no other wayes: It being alwaies provided, That for all their proceedings in this kinde, they ſhall be anſwerable for the lawfulneſſe thereof to the Kings Majeſty and the Parliament *reſpective*: and if any thing fall forth beyond their power, and which cannot be remedied by them, that they informe themſelves of the particulars thereof, and repreſent the ſame to his Majeſty, and to the enſuing Parliaments *reſpective*, That by his Majeſties wiſedome and authority, and theirs, all occaſions and cauſes of troubles being removed, the peace of the Kingdome may be perpetuall to all poſterity: And it is declared, that the power of this Commiſſion ſhal be reſtrained to the Articles of peace, concluded in the ſaid Treaty, as ſaid is, and ſhall endure for the *interim* betwixt Parliaments allanerly, and ſhall expire at the next enſuing Parliament, at the which the ſaid Commiſſioners ſhall be holden, to give an account of their diligence and proceeding in the premiſſes.

ACT XXXIII.

ACT ANENT THE FIVE INCENDIARIES

And the Plotters, And the Kings declaration there-anent. 16 *November*, 1641.

THE Eſtates of Parliament, conſidering that whereas albeit *John* Earle of Traquhair, Sir *Robert Spottiſwood* of Donipace knight, Sir *John Hay* of Baro knight, late Clerk regiſter, Doctor *Walter Balcanquell*, and Mr. *John Maxwell* ſomtime, pretended Biſhop of Roſſe, are cited before them, and accuſed as guilty of divers haynous and treaſonable crimes perpetrated and committed by them againſt the Common wealth, contained in their ſeverall ditties, which they have juſt reaſon to proſecute: Nevertheleſſe the ſaids eſtates of Parliament, taking into their conſideration his Majeſties gracious goodneſſe towards this his native kingdome, and his fatherly care and wiſedome in compoſing of all paſt differences, and providing for the future, to the great joy and happineſſe of all his Subjects, doe in retribution thereof, with an unanimous conſent to teſtifie their high reſpect and thankfulneſſe to his Majeſty, and that his Majeſty may joyfully returne a contented prince from a contented people, to the ſetling of his royall affaires in his other dominions, beleeving that the ſamine will be acceptable to his Majeſty, and conduceable to the good and peace of the kingdom, Declare, that for acquitting themſelves of their oath, they will onely proceed to the exact triall of the ſaids parties by a committee to be appointed and authorized by the king and Parliament, in reſpect of the preſent neceſſity of their other affaires, And after tryall ſhall be taken of the ſaids perſons, and of the crimes whereof they are accuſed, the Parliament declares, that they will not proceed to a finall ſentence, nor inſiſt upon the puniſhment of thoſe perſons, but that they doe for the reaſons foreſaids freely remit them to his Majeſty.

The Eſtates of Parliament conſidering, that whereas albeit *James* Earle of Montroſe, *Archbald* Lord Naper, Sir *George Stirling* of keir knight, Sir *Archbald Stewart* of Black hall are cited before them, and accuſed as guilty of diverſe crimes & miſdemeanours committed by them, to the juſt offence of the Eſtates of Parliament, and derogatorie to the great truſt & confidence had of them, And albeit the Parliament have juſt reaſon to proſecute their proceſſes, yet nevertheleſſe the ſaids Eſtates of Parliament, taking into their conſideration his Majeſties gracious goodneſſe towards this his native Kingdom, and fatherly care and wiſedome in compoſing all paſt differences, and providing for the future, to the great joy and happines of all his ſubjects, Do in retribution thereof, with an unanimous conſent, to teſtifie their high reſpect and thankfulneſſe to his Majeſty, and that his Majeſty may joyfully returne, a contented prince from a contented people, to the ſetling of his royall affaires in his other dominions, beleeving that the

the ſamine will be acceptable to his Majeſty, and conduceable to the good and peace of the kingdome, Declare, that for acquitting themſelves of their oath, they will onely proceed to the exact tryall of the ſaids parties by a committee to be appointed and authorized by the King and Parliament, in reſpect of the preſent neceſſity of their other affaires, and after triall ſhall be taken of the ſaids perſons, and of the crimes whereof they are accuſed, The Parliament declares, that they will not proceed to a finall ſentence, nor inſiſt upon the puniſhment of the ſaids perſons, but that they doe for the reaſons foreſaids freely remit them to his Majeſty.

At Edinburgh the ſixteenth day of November, the yeare of God 1641 yeares, the Parliament having expreſſed their reſpect and thankfulneſſe to his Majeſty, by remitting unto him theſe that are cited as Incendiaries, and others, according to their above written declaration, he was graciouſly pleaſed (the better to teſtifie his Princely care, and to prevent any feares that may be conceived from the medling of thoſe perſons in the affaires of State or Court) to make this Declaration following:

I Taking in good part the reſpect and thankfulneſſe of this Parliament, in remitting to me theſe who are cited as Incendiaries, and others, according to their Declarations, Doe declare, that I will not imploy any of theſe perſons in offices or places of Court or State, without conſent of Parliament, nor grant them acceſſe to my perſon, whereby they may interrupt or diſturb the firme peace which is now ſo happily concluded.

ACT XXXIV.

ACT AND COMMISSION FOR TRYING The Incendiaries and Plotters. 16. *November*, 1641.

OUR Soveraigne Lord and Eſtates of Parliament, having taken to conſideration, That in the Seſſion of Parliament conveened by his Majeſties authoritie upon the eleventh day of June 1640. yeares, full power and warrant was given and granted to the Preſes and *Quorum* of the Committee of Eſtates therein appointed for directing, in the Kings Majeſties name, and in name of the Eſtates of Parliament, ſummonds and precepts to the Lyon King at Armes, and his brethren Heraulds, Purſevants, and Maiſſars, to warn and charge the perſons under written, *viz.* *John* Earl of Traquaire, Sir *Robert Spottiſwood* of Donipace knight, Sir *John Hay* of Lands, late Clerk Regiſter, Doctor *Walter Balcanquell*, and

and Maſter *John Maxwell*, ſometime pretended Biſhop of Roſſe, to compeir perſonally before the Parliament at certaine dayes and diets by-gone: And that conforme to the ſaid warrant of Parliament, ſummonds were raiſed and intended at the inſtance of Sir *Thomas Hope* of Craighall Knight baronet, his Majeſties Advocate; and at the inſtance of Sir *Thomas Nicolſon* of Carnock, Knight Baronet; Maſters, *Roger Mowat*, *Alexander Peirſon*, *James Baird*, and *Thomas Nicolſon*, Procutors of the Eſtate, to compeire before the Kings Majeſty and Eſtates of Parliament at certaine dayes and diets now by-gone, to anſwer for the crimes of Treaſon, and other crimes contained in the ſaid ſummonds and precepts, of the date the day of yeares. And als our Soveraigne Lord and Eſtates of Parliament, conſidering that ſummonds and actions are depending before our ſaid Soveraigne Lord and the Eſtates of this preſent Parliament, againſt *Iames* Earle of Montroſe, *Archbald* Lord Naper, Sir *George Stirling* of Keir, Knight, Sir *Archbald Stuart* of Blakhall
as having been plotters, deviſers, and machinators of courſes againſt the publick weale, and as having been the committers of other ſeverall crimes and forefaults, particularly ſpecified and contained in the ſaid ſummonds, raiſed and depending againſt the ſaids Earle of Montroſe, Lord Naper, Lairds of Keir, and Blakhall
Before the Kings Majeſtie and the Eſtates of this preſent Parliament of the date the day of 1641. years, as the ſamine at more length beares, Therefore our Soveraigne Lord and the Eſtates of this preſent Parliament, for the further examination and tryall of the perſons above ſpecified their guiltineſſe of the points and crimes above written, contained in the ſummonds particularly and reſpectively above mentioned, Gives and grants by thir preſents full power, authority and commiſſion to the perſons after mentioned, *viz. Iohn* Lord Lowdoun Chancellour, *John* Earle of Lauderdaill,
Earle of Weymes, *Robert* Lord Burghly, *James* Lord Couper, *George* Lord Forreſter, Sir *Iohn Hammiltoun* of Preſton, Sir *William Cokburne* of Langtoun, *Harie Montgomrie* of Giffin, Sir *George Dundas* of that ilk, Sir *Iohn Wauchope* of Nidrie, *William Rig* of Ethernie, *George Bell* for the towne of Linlithgow, *Thomas Bruce* for Stirling, Mr. *George Gray* for Hadingtoun, *George Gardine* for Bruntiland, and *Robert Cunnyngham* for Kinghorne, *James Sword* for Saint Andrewes, and Sir *Alexander Gibſon* of Durie, and Sir *Adam Hepburne* of Humbie, two of the ordinary Senators of the Colledge of juſtice, or to any *Quorum* of the ſaid number of the ſaids perſons, being preſent for the time, which *Quorum* ſhall conſiſt of nine, two being for ilk eſtate, by the ſaids two Judges above named, to proceed in all further examination of the points of the ſaids crimes conſiſting *in facto*: And that by examination of witneſſes, and by writ, or other probation competent of the Law againſt ſo many of the ſaids perſons as are not compeiring, without all farther citation, in reſpect of their abſence and contumacie: And als to call and conveene before them the foreſaids perſons above rehearſed in the ſaid ſummonds particularly and reſpectively above written, ſo many of them as are incarcerate, before them, at ſuch dayes and

and diets as they moſt conveniently ſhall appoint at Edinburgh the fourth day of January next to come, which is appointed to be the firſt diet of their meeting: And ordaines theſe who are incarcerate to be cited perſonally, and theſe who are out of the Countrey, at the Mercat Croſſe of Edinburgh, Peire and Shore of Leith, To anſwer before the ſaids perſons Commiſſioners, appointed by thir preſents, for the crymes particularly and *reſpective* contained in the ſaid Summonds above written, to the effect they may bee further examined by them, and may object againſt ſuch witneſſes as ſhall be cited to compeire to depone in the ſaid matter, With full power and Commiſſion to the ſaids perſons, or *Quorum* foreſaid, to proceed in the cognition and tryall of the crimes particularly and *reſpective* above written, to the diſcuſſing of the relevancie of the Summonds particularly and *reſpective* above written, and to the receiving of all lawfull probation in the ſaids crimes above written againſt the ſaids perſons, particularly ſummond, as is above written; And to that effect, to direct their Precepts and Summonds for ſummoning of witneſſes in the particular crimes *reſpective* above ſpecified, under the paine of horning, and generally, all and ſundry other things to doe for the exact tryal of the ſaids perſons: Providing alwayes, that the ſaids perſons Commiſſioners, as is above ſpecified, appoynted by thir preſents, ſhall not proceed, Like as our Soveraign Lord and Eſtates of Parliament preſently conveened, by thir preſents diſcharges the ſaids Commiſſioners and *Quorum* foreſaid, to proceed to any deciſion in the ſaid poynts or crimes, or to pronounce any ſentence convictive againſt the ſaids perſons particularly above written, ſummoned to this preſent Parliament particularly and *reſpective*, as ſaid is, but onely that the Commiſſioners foreſaids ſhall doe their diligence in the points particularly above ſpecified, committed to them, in diſcuſſing the relevancie of the ſaid Summonds particularly and *reſpective* above written, and in receiving all legall probation thereupon, And the Commiſſioners or *Quorum* foreſaid to proceed with all diligence, and make their report concerning the relevancie, and how farre they ſhall find the ſame proved, or not, without pronouncing any farther ſentence againſt them, or any of them, and that they finiſh the proceſſe and tryall before the firſt day of *March* next to come.

ACT

ACT XXXV.

ACT ANENT THE PASSING FROM Theſe who are cited to the Parliament as unfriends. *16. November*, 1641.

THE Eſtates of Parliament, Conſidering that whereas there are divers and ſundry perſons indited and accuſed before this Parliament, as guilty of certain crimes committed by them, againſt the State, and to the prejudice of the peace of this Kingdome, Nevertheleſſe the ſaids Eſtates of Parliament, conſidering that by Gods mercy and providence, and by his Majeſties great wiſedome, all our tempeſts are turned into the calme of an happie peace, And that tryall is taken anent the perſuits and proceſſes for which the ſaids perſons are cited to the Parliament, Doe hereby, out of their reſpect to His Majeſty, to whom they know the ſamine will be acceptable, Declare that they have acquited and diſcharged, And hereby acquits and diſcharges, all other perſons, cited and called to appeare before them, To anſwer for whatſoever crime or miſdemeanour committed, during the late troubles: And declares the Act of Pacification and Oblivion, and benefite thereof, to be extended to them, ſiclike as if they had not been cited before this preſent Parliament: And but prejudice alwayes of the reſtitution to private parties, conforme to the ſaid Act of Pacification contained in the Treaty, And of all lawfull ſentences recovered againſt any of the ſaid perſons, before the Committee of Eſtates: And declares, that this Act doth not extend to the Incendiaries or plotters, but only to ſuch others who are cited to the Parliament as unfriends.

ACT XXXVI

ACT FOR SELLING OF YARNE BY WAIGHT. *16. November*, 1641.

OUR Soveraign Lord and Eſtates preſently aſſembled, Underſtanding how neceſſar and convenient it is, that all yarn be bought and ſold by weight: Therefore Our Soveraign Lord, with advice and conſent of the ſaids Eſtates, Ratifies and approves the Acts of His Majeſties Councell, Ordaining the ſame to be ſold by weight, in all the heads, clauſes and articles thereof, dated at Halyrude-houſe the 28. of *July*, 1631. years, and ordaines the ſamine to ſtand as a Law, and to take effect in all time coming.

ACT.

ACT XXXVII.

ACT ANENT LINNEN CLOTH
And breadth thereof. 16. *November* 1641.

OUr Soveraign Lord and Eſtates preſently aſſembled, finding that linnen cloth is become one of the prime commodities of this kingdome, whereby many people are put to work, and mony is brought within the ſame, which partlie through the deceit uſed by the bleitchers, in lyming thereof, and partly by the incertaintie of the breadth, is likely to come in contempt abroad, to the great prejudice of this kingdome: Therefore his Majeſty, with conſent of the ſaids Eſtates, Statutes and ordaines that no makers of linnen cloth, nor no others whatſoever, preſent to market, or other wayes, make or ſell any linnen cloth of the price of tenne ſhillings the elne or above, of leſſe breadth then an elne, And all under the ſaid price, to be of no leſſe breadth then three quarters of an elne, under paine of confiſcation of all ſuch linnen preſented to market, or other wayes ſold, which ſhalbe found not to be of the breadth abovenamed, And ordaines the magiſtrates, within whoſe bounds and juriſdictions the ſaid linnen cloth, made contrair to this ſtatute, ſhall happen to come, to confiſcate and eſcheat the ſame, And for this effect, to ſearch all the markets within their bounds: As alſo diſcharges and inhibites all our Soveraigne Lords lieges and ſubjects, that none of them preſume nor take upon hand to bleitch any cloth with lyme, under paine to be puniſhed in their perſons and goods at the will of the Magiſtrate, within whoſe bounds they dwell: And laſt, it is ſtatute and ordained, that all linnen cloth ſhall be taken up by the ſelvedge and not by the rig, and ſo to be preſented to the market, and ordaines the ſheriffe of the ſhires and Magiſtrates within burgh, to put this ſtatute to execution within their ſeverall juriſdictions.

ACT XXXVIII.

DISCHARGING THE IMPORTATION
Of ſtrong waters. 16. *November* 1641.

OUr Soveraigne Lord and eſtates of Parliament, underſtanding, that there is divers ſtrong waters brought into this kingdome from forraign places, which might be more conveniently made within the kingdome, to the benefite of the natives thereof: Therefore his Majeſty, with conſent of the ſaids Eſtates, diſcharges all inbringing of aquavitie or ſtrong waters, within this Kingdome, under the paine of eſcheat thereof.

ACT

ACT XXXIX.

ACT ANENT THE EXSISE OF Herring. 16. *November* 1641.

OUR Soveraigne Lord and Eſtates of Parliament, conſidering that his Majeſties aſſiſe of all Herrings ſlain within the Reid-head, and Saint Tobs-head, is a thouſand Herrings forth of ilk boat, ilk dreave that holds: And finding the collecting of theſe Herrings to be very hard and difficile, have thought expedient to modifie the price of theſe Herrings, and convert the ſamine thouſand Herrings into money, And therefore our ſaid Soveraigne Lord, with the advice of the Eſtates, modifies and converts the price of the ſaid one thouſand Herrings, payable for aſſiſe, to the ſumme of ſix pounds money of this Realme, and declares that to be the conſtant price thereof in time comming, without reſpect of deare or cheap Herrings: And becauſe the fiſhers reſidents in the Eaſt Seas, and who dwell within the ſaids bounds, on the North and South ſide of Forth and Tay, by-weſt the Reid-head, and Saint Tobs-head, in reſpect of the great hazard and danger they are in, in ventring to the North Iles with their Ships and Barks, wherein they tranſport two Boats or Yolles, as pendicles of the ſaids Ships and Barks, and vehicles for their uſe and the better accommodating of their voyage, were in uſe to pay only the ſumme of five pound in ſatisfaction of the aſſiſe Herrings, ilk Tack that holds for ilk Ship or Barke, without having reſpect to Ship-boats and Yolles, which are onely pendicles, and vehicles of the ſaids Ships and Barkes: Therefore his Majeſty, with advice of the Eſtates, being certainly perſwaded, that it is unpoſſible to the ſaids fiſhers to accompliſh their voyages, unleſſe they have two Ship-boats or Yolles carried in the ſaids Ships or Barks, as pendicles and vehicles thereto: Declares, that the ſaids fiſhers, are and ſhall only be liable in the ſaid ſumme of ſix pounds, in full ſatisfaction of the aſſiſe in the North Iles, for ilk Ship or Barke, ilk Tack that holds, not having regard of the ſaids ſhip-boats or Yolles, there being but two Boats to ilk ſhip at the fartheſt, which they do hereby liberate and exeem from all payment of any dutie: And diſcharges all our Soveraigne Lords Lieges for exacting or uplifting any other aſſiſe from the ſaids fiſhers, nor the particular duties above ſpecified: And ordaines the collectors thereof to uplift the ſame legally, after ilk dreave, and to deſiſt from troubling the fiſhers during the time thereof.

ACT

ACT XL.

ACT ANENT LOYALL PACKING OF Salmond. 16. *November* 1641.

OUR Soveraign Lord and Eſtates preſently aſſembled, Underſtanding that the Salmond fiſhings are one of the principall benefits whereby Trade is maintained, and money brought in the Kingdom, and that through the evill ordering thereof, both in the inſufficiencie of the Barrels, & alſe in the diſloyall packing of the ſame, not onely is the Merchants eſtate damnified thereby, but alſo the Nation is diſhonoured abroad, and diſappointed of what ſhould returne thereby: Therefore Our ſaid Soveraign Lord, with advice and conſent of the ſaids Eſtates, Ordaines an act to be made, Ratifying and approving all and ſundry Acts of Parliament, Lawes and Conſtitutions of this Realme, made anent Salmond fiſhing, and the ſufficiency of the barrels, and loyall packing thereof, With this addition, That the whole Coupers within this Kingdom, make the ſaid Salmond Barrels of good and ſufficient new Knappell, wherefore he ſhall be anſwerable, without worme-holes, and white wood of ſufficient tichtneſſe, for containing the pickle, and ſufficient tichtneſſe for enduring all kind of ſtreſſe in the handling, and that the barrels contain no leſſe then ten gallons of the Stirling pint, conforme to an act of His Majeſties Councell, of the date at Halyrude-houſe, the fifteenth day of July 1619. yeares, which His Majeſty with conſent foreſaid, Ratifies and approves in all the heads, clauſes and articles thereof, to be ratified in this preſent Parliament, under the paine of five pounds to be payed by the Couper for ilk unſufficient barrell, and eſcheat, of the ſamine barrell, and that the ſamine be well pyned in the pickle before the packing thereof, and thereafter the ſaid barrels, to be well tichted and double girted, before the tranſporting thereof to forraign Nations: And that no barrell be ſooner made and blowne, but the Coupers birne be ſet thereon, on the tapone ſtaffe thereof, in teſtimony of the ſufficiency of the tree, and that every couper be anſwerable and lyable in payment of ſuch loſſes as happen to be laid on the fiſh at the Market, if it be found to be in the default of the Couper, by the inſufficiency of the tree, or packing, or any other meanes in the Coupers fault, and that they keep right jedge both in the length of the ſtaves, the bilge girth, the wideneſſe of the head, and deepneſſe of the chin, The barrell being made, marked, and thrice gene in the packing, ſhall be marked with the marking iron, under a very particular merchands mark, as uſe is, and that no burgh, or any other trading with Salmond, ſhall preſume to counterfeit the mark or birne of *Aberdene*, under the paine of confiſcation of the Salmond, by and attour the puniſhment of the parties counterfeiters, at the pleaſure of the judge ordinar, the one halfe of the ſaid paine to pertaine to His Majeſty, and the other halfe to the burgh ſo wronged: And ordaines the Magiſtrates within burgh to put this act to execution.

ACT XLI.

ACT ANENT THE KINGS MAJESTIES Rents, uplifted by warrant of the Committee of Eſtates for the publike uſe. 16. *November*, 1641.

OUR Soveraign Lord and Eſtates of Parliament, Conſidering that during the time of the late troubles of this Kingdome, there were ſome of his Majeſties rents, cuſtomes and impoſt, uplifted and intrometted with, for ſerving of the preſent neceſſities of the publike affaires of this Kingdome, by warrant of the late Committee of Eſtates, and by other publike orders, and that there were ſundry by-gone penſions and fees due to diverſe of His Majeſties Penſioners and Servants, ſatisfied and payed to them, conforme to their rights and penſions by order of the late Committee of Eſtates, reſiding at Edinburgh: And His Majeſty being graciouſly pleaſed to approve and allow of the foreſaids intromiſſions had, and payment made in manner, and for the cauſes above-written, Therefore our ſaid Soveraign Lord, with advice and conſent of the ſaids Eſtates of Parliament, Ratifies, approves and diſpenſes with all ſuch intromiſſion with His Majeſties rents, cuſtomes and impoſt, as have been uplifted, payed and intrometted with, preceding the twenty ninth day of June laſt by-paſt, for the uſes and cauſes foreſaid: Together with the payment of the ſame made by publike order, as ſaid is: And declares that the ſamine payment made, and intromiſſion had by warrant from the ſaid Committee of Eſtates, or by other publike orders, preceding the ſaid twenty ninth day of June laſt by-paſt, are and ſhall be ſufficient exoneration to the payers of the ſaids rents, cuſtomes and impoſt, and to the receivers of the ſamine, by vertue of the ſaids publike orders, and to all others concerned therein, like as the diſcharges upon the payment thereof by publike order foreſaid, ſhall be allowed to the payers of the ſame, in the accounts of their intromiſſion, with his Majeſties rents, cuſtomes and impoſt foreſaid, to be made in His Majeſties exchequer, whereanent thir preſents ſhall be a ſufficient warrant to all that are concerned therintill, and to the Lords and Commiſſioners of His Majeſties Exchequer, to allow and defray the ſamine in the ſaids accounts to be made in Exchequer by the chalmerlands, intrometters with, and receivers of his Majeſties rents, cuſtomes and impoſt foreſaid, and ordaines count to be made of the ſaid intromiſſion in Exchequer.

ACT.

ACT XLII.

ACT ANENT THE DISCHARGING OF Advocations for ſummes within an hundred pounds. 16. *November*, 1641.

OUR Soveraigne Lord and Eſtates preſently conveened, conſidering the manifold prejudices and trouble ariſing to divers of his Majeſties Lieges, in purſuing of matters of ſmall importance, by the too frequent granting of Advocations from inferiour Judges: Therefore our ſaid Soveraigne Lord, with advice and conſent of the ſaids Eſtates, diſcharges the Lords of Seſſion from giving and granting Letters of Advocation of any actions intended or to be intended before whatſoever inferiour Judicatories, which may competently, by the Lawes of the Kingdome, be decided by the ſaids inferiour Judges, before whom the ſaid action is or ſhall be intended, for ſummes of money within an hundred pounds, or for any other cauſes, whereunto by the Lawes of the Kingdome the ſaids inferiour Judges are appointed Judges.

ACT XLIII.

ACT ANENT THE DIRECTING OF Cocquets within the Regalitie of Saint Andrewes, in the Kings Majeſties Name. 16. *November*, 1641.

OUR Soveraigne Lord, with advice and conſent of the three Eſtates of Parliament, ſtatutes and ordaines, That all Cocquets to bee given forth within the Regalitie of Saint Andrewes, now holden of the Kings Majeſtie, through the abolition of Biſhops, be directed and granted by *John* Lord Lindſay, and his Deputes, Cocquet-keepers, within the Regalitie foreſaid, in all time comming, in the Kings Majeſties name, whereas the ſamine were before directed in name of the Archbiſhop of Saint Andrewes.

ACT XLIV.

ACT DISCHARGING THE TRANSPORTATION of Eggs. 16. *November*, 1641.

OUR Soveraigne Lord and Estates of Parliament finde that it is necessary and expedient, for the good of the publick, that the transporting of egges out of this Kingdome be restrained, in respect it brings not any considerable moneyes into the Countrey, no wayes comparable to the losse, considering the diet of poore labouring servants, who eate only bread, and drinke water, if egges were restrained, might be bettered, by getting egges to his meat at an easie rate, or of his own, The breed of Chickens, Hens, and Capons, would be in farre greater abundance, so that they might sell at two pence, a groat, and six pence, where they are now two groats, twelve pence, and eighteen pence: And where the eggs sell now at fourtie pennies, sometimes a groat, might be sold for twelve pennies, or eighteene pennies: And where they give five shillings six pence where the salt is made, they might sell their deerest for a two pence: Therefore to grant a restraint under the paine of confiscation of the egges, and an hundred pound, *toties quoties*, to be incurred by the party transporter, to be proved by witnesses, or oath of party.

ACT XLV.

ACT AGAINST DESTROYERS OF Planting, and others. 16. *November*, 1641.

OUR Soveraigne Lord, and Estates of Parliament, considering that Parks and Plantings are great decorements, and much profitable to the Kingdome, and that the demolishing and down-casting of the dikes of either, and spoiling of the ground and planting inclosed within the famine, by these who are evill affected to policie, is a great discouragement to many who are vertuously disposed to Parking and Planting: Therefore his Majesty, with consent of the Estates, discharges all hawkers, hunters, travellers, and others persons whatsoever, to whom the famine Parking and Planting doe not belong, from demolishing, down-casting, climing, or any wayes wronging of any of the Dikes foresaids,

Parkes

Parks and Planting within the ſamine, under the paine of five pounds *toties quoties*: Which fines, his Majeſtie and Eſtates foreſaids declares to appertaine to the owners of the ſaids Parks and Plantings, they or their ſervants deprehending the failers: And if any other deprehend them, the one halfe to appertaine to the deprehender, the other to the heritor, With power to the deprehender to purſue the contraveener before the ordinar Judge: And if it ſhall happen the heritors own tenant to contraveen the Act foreſaid, with power to the heritors to unlaw them at their own pleaſure, the penalty and unlaw alwayes not exceeding the pain foreſaid.

ACT XLVI.

ACT ORDAINING THE PURSUER OF The thiefe to be reſtored to his owne goods.

16. November 1641.

OUR Soveraigne Lord and Eſtates of Parliament, underſtanding, that when any theeves were taken and executed for theft, or declared fugitives for not entering and under-lying the law, therefore their whole eſcheat fell to the Kings Majeſtie, and the goods ſtollen, pertaining to the purſuer of the ſaids theeves, and ſo the ſaid party wronged was prejudged of his owne geir: Therefore, and for remeed whereof, our ſaid Soveraign Lord and Eſtates of Parliament ſtatutes and ordaines, that any perſon, having any goods or geir ſtollen from them, and having purſued the ſtealer thereof, ſhall have their owne goods againe wherever the ſamine can be apprehended, although the thiefe ſtealer thereof ſuffer: And where the ſaids ſtollen goods cannot be had, ordaines the purſuers of the ſaid thiefe to have the juſt value, price, and availe of the goods and geir ſtollen from him, out of the readieſt of the theeves goods: Together with the expences they ſhall wair in the ſaid purſuit, the purſuers alwayes purſuing the thiefe, *uſque ad ſententiam*, reſerving to the taker and Sheriffe the expences beſtowed by them in the taking and execution of the thiefe.

ACT XLVII.

ACT ANENT COALE-HEWERS.

16. November, 1641.

OUR Soveraign Lord and Eſtates of this preſent Parliament, ratifies the eleventh Act of the eighteenth Parliament of King *James* the ſixth of worthy memory, made anent Coale-hewers and Salters, with this addition, that becauſe Water-men who laves and drawes water in the coale-heuch-head in this Kingdome, and gaitſ-men who worke the wayes and paſſages in the ſaids heuchs, are als neceſſar to the owners and maſters of the ſaid coale-heuchs as the coale-hewers and bearers, It is therefore ſtatute and ordained, that no perſon ſhall hyre or ſeduce any water-men, and windſ-men, and gaitſ-men without a teſtimoniall of the maſter whom they ſerve, under the pains contained in the former Acts in all points: And becauſe it is found by experience, that the giving of great fees hath beene a meane and way to ſeduce and bring coale-hewers from their maſters, It is therefore ſtatute and ordained, that it ſhall not bee lawfull to any coale-maſters in this Kingdome to give any greater fee nor the ſumme of twenty markes in fee, or bounteth, under any colour or pretext: And becauſe the ſaids coale-hewers, and ſalters, and others workemen in coale-heuchs within this Kingdome, doe lye from their worke at Paſch, Yule, Whitſunday and certaine other times in the yeare, which times they imploy in drinking and deboiſhrie, to the great offence of God, and prejudice of their maſter, It is therefore ſtatute and ordained, that the ſaids coale-hewers and ſalters, and others workemen of coale-heuchs in this Kingdome, worke all the ſix dayes of the weeke, under the pains following, that is to ſay, That every coale-hewer or ſalter who lyes idle, ſhall pay twenty ſhillings for every day, by and attour the prejudice ſuſtained by their maſter, and other puniſhment of their bodies.

ACT XLVIII.

ACT DISCHARGING THE MIXING OF TIN With lead. 16. *November* 1641.

OUR Soveraign Lord and Eſtates of this preſent Parliament, conſidering the great hurt ſuſtained by his Majeſties Lieges by the fraudulent dealing of pewterers, in mixing the finer ſort of tinne brought from England, France, Flanders, and other parts beyond ſea, with baſer and courſer mettall of tin and lead, & their exacting greater prices betwixt the new caſſin by them, and the old, which they receive from the lieges: For remeed wherof, it is ſtatute and ordained, that the pewterer or founder of tin ſhall put the marke of the thriſtle, and his owne name upon every piece of worke that hee happens

happens to caſt, and that the ſame ſhall bee of the fineſt of the pewter marked with the roſe in England: And in caſe the ſame be under the fineſſe of the ſaid pewter of England, that the ſame ſhall bee confiſcate, and bee puniſhed in his perſon at the diſcretion of the Magiſtrates of the Burgh where he dwells: And to that effect, that there bee a viſitor appoynted by the Magiſtrates for trying of the ſamine: As likewiſe that he ſhall take betwixt the pound of old tinne and pewter, marked with the roſe foreſaid which he receives from the Lieges, and the pound of new caſſin by him, eighteene pennies allanerly, under the pain foreſaid.

ACT XLIX.

ANENT DOCQUETING AND PRESENTING Of Signators. 16. *November*, 1641.

OUR Soveraign Lord, with advice and conſent of the Eſtates of Parliament, Conſidering that by the twentieth Act of his Majeſties deareſt Father King *James* the ſixth his tenth Parliament, for avoyding the prejudice did then ariſe by the ſubſcribing of ſundry Signators and Letters at the importunate ſuite and deſire of ſundry perſons, His Highneſſe not being informed or timely warned to the effect and contents thereof, Therefore his Majeſty, with the advice of the Eſtates conveened in Parliament, did ſtatute and ordaine, that no Signator nor Letter whatſoever ſhall bee preſented to his Majeſty in time coming, but by his ordinary officers, unto whom the ſamine properly belongeth, or who have power of docqueting and preſenting by their patents, as the Act at more length beareth: And his Majeſty, with advice and conſent foreſaid, alſo conſidering how prejudiciall it is to his Majeſties honour, and the peace and good of his Majeſties Subjects, That Signators of one and the ſame thing without his Majeſties certaine knowledge, ſhall paſſe his Majeſties hand in favours of ſeverall perſons, or that Letters of contrary tenours ſhall bee ſigned by his Majeſty, and directed to Officers and Judges within this Kingdome, The onely occaſion thereof is, that others then the ſaid Officers, or their Deputes, or others foreſaid, to whom the ſamine may belong, Takes upon them to preſent Signators and Letters to his Majeſty for their friends and acquaintance, either not knowing the former Signator or Letters of contrary ſtraine, or of ſet knowledge to reverſe what hath beene done before, without giving true information or reaſons to move his Majeſty to ſigne theſe Signators, or wreſt contrary Letters: For remeed whereof, his Majeſty, with advice and conſent foreſaid, ratifies and approves the foreſaid Act in all the poynts therof, and declares that it ſhall not bee leiſome or permitted to any perſon or perſons whatſoever, to preſent any Signator, Writ, Letter, or Warrant to bee ſigned by his Majeſty, except by the ſaids ordinary Officers, unto whoſe Office the ſamine properly belongs, and by others foreſaids, having power and warrant, as ſaid is: And that his Majeſty may the better

better know what passeth his highnes hand, and upon what grounds and reasons he signes the samine, it is expedient, that any of the saids officers that shall present any signator, writ, letter, or warrand, to be signed by his Majesty, shall cause register the docquet of the same in a Register, and send the just and authentike double thereof, subscribed with their hand, to his Majesties Secretary, who shall be obliged to give his Majesty notice and timous warning of any prior deed, different or contrair to the posterior, that his Majesty may either refuse the same, or specifie his Majesties certaine knowledge for passing and signing thereof.

ACT L.

ACT ANENT THE ELECTION OF The President of Parliament. 16. *November* 1641.

OUr Soveraigne Lord and Estates of Parliament, considering how necessary and expedient it is, that in every Parliament to be holden within this Kingdom, there be a President of Parliament chosen by his Majesty, or his Commissioner, and Estates of Parliament, to proceed in all matters to be agitate in Parliament, Therefore his Majesty, with advice and consent foresaid, Statutes and ordaines, that in all succeeding parliaments, after taking of the oath of Parliament by all the members thereof, they shall make choice of the Lord Chauncellour, or any other the King, or his Commissioner, and the Estates shall appoint, to be President of Parliament, who shall remaine and continue President als well in that Parliament wherein he is chosen, as in the next Parliament subsequent, untill the said oath be taken, and another chosen to be President in his roome.

ACT LI.

ACT ANENT THE SUPERIORITIE OF Lands, and others, which formerly held of Bishops and their Chapters, to be now holden of the King. 16. *November* 1641.

OUr Soveraigne Lord and Estates of Parliament, for removing all doubts and questions that may arise anent the superiorities of these lands, milnes, fishings, heritable offices, and others which held of the late pretended Bishops or of their chapters, by reason of the abolishing of Bishops and chapters foresaid, forth of this Kirke and Kingdome, and to the effect the subjects and vassals of these holdings may be put in assurance hereanent, have statute, ordained, and declared, and by thir presents statutes,

tutes, ordaines and declares, That all theſe ſuperiorities which formerly pertained to the ſaids pretended Biſhops and their chapters, now aboliſhed, as ſaid is, doe now pertain and belong, and ſhall hereafter pertain to our Soveraign Lord, & His Highneſſe Succeſſours in all time coming: And that the Vaſſals of theſe Lands, Mils, Fiſhings, heritable Offices, and others, which formerly held of the ſamine Biſhops and their chapters, doe now, and ſhall in time coming hold the ſamine of our Soveraign Lord the Kings Majeſty and His Succeſſours, in the ſame form and manner of holding, as they formerly held of the ſaids Biſhops and their chapters, conform to the ſaids vaſſals their infeftments and rights, made and pertaining to them, which are hereby declared to be unprejudged by the aboliſhing of the ſaids Biſhops and their chapters, their former Superiours: And ſiclike, Our ſaid Soveraign Lord and Eſtates of Parliament declare all theſe ſervices of heires to their defunct predeceſſours, to any of the Lands and others, holden of the ſaids Biſhops (ſince the excommunication of Biſhops,) whereby theſe heires are ſerved to the ſaids Lands to be holden of the Kings Majeſty, to be vallid and lawfull ſervices and rights led and done: And ordaines all ſuch ſervices as are to be led & deduced hereafter, for ſerving of the heires of the vaſſals of the lands and others foreſaids, as heires in the ſamine lands, to be ſerved heires thereintill, to be holden of the Kings Majeſty and His Succeſſours foreſaids, as their ſuperiours of the ſamine Lands and others above mentioned, in all time coming, with this proviſion, that the few duties of theſe lands holden of the chapters now retained *in titulo*, ſhall pertaine and be payed them, during the preſent titulars life-times: And it is declared, that this preſent act ſhall not be prejudiciall to the infeftment granted by his Majeſty to the Duke of Lennox of the ſuperiority of the whole Lands and Barronies which pertained to the temporality of the Arch-biſhoprick of Glaſgow, but that the ſaid infeftment ſhall ſtand vallid in the ſelfe, and the vaſſals to hold their Lands of the ſaid Duke of Lennox and his Succeſſours, as their ſuperiours thereof in time coming: And alſo declares thir preſents, neither act nor reſervation foreſaid, ſhall not be extended to the Deanrie or Sub-deanrie of Glaſgow, nor nothing holden of the Dean or Sub-dean: As alſo but prejudice to the Earle of Lauderdaill, of his infeftments of Stobo and Ettilſtoun, which is no wayes prejudged by this act nor reſervation foreſaid, Providing that this proviſion ſhall not better, nor ſtrengthen the Earle of Lauderdails right and infeftment foreſaid, But the ſamine to be in that ſamine condition, as before the date of thir preſents.

ACT.

ACT LII.

COMMISSION FOR REVISING OF The Regiſters. 16. *November* 1641.

OUR Soveraigne Lord and Eſtates of Parliament, conſidering that this long time by-gone the Regiſters and Records of Parliament have not beene viſited, ſo that ſome of the ancient Records might have been abſtracted, vitiate, or diſordered: Therefore our Soveraigne Lord and Eſtates foreſaids, gives full power and Commiſſion to the perſons following, *viz.* the Lord Chancellour, the Earle of Argyle, Earle of Lauderdaill, and Clerk Regiſter, to meet when the Lord Chancellour ſhall appoint

To take inſpection, and reviſe and looke over all the whole Regiſters and Records of Parliament, aſwell theſe in the Caſtle, as theſe in other mens cuſtodie, and to call for the old Inventars thereof, and compare them with the Regiſters, and to make two new authentick Inventars thereof, without copying of the ſaids Regiſters and Records: Which Inventars ſhall be ſubſcribed by the moſt part of the viſitors, the one whereof ſhall be delivered to the Clerk Regiſter, to bee kept by him, the other Inventar ſhall be laid up, either with their Honours, or ſome other lockfaſt place, whereof the Lord Chancellour for the time ſhall keep the key, and to cauſe make preſſes, boxes, buiſts, or other neceſſaries fitting for keeping of the ſaids Regiſters and Records, And alſo to conſider of the place and houſe where the ſaids Regiſters lie, and to adviſe and appoint the beſt wayes and meanes for preſerving and ſure cuſtodie of the ſaids Regiſters and Records, With power alſo to them to mark and obſerve any defect or wants in the ſaids Regiſters and Records, and the vitiations thereof, if any be: And ſiclike, to marke, number, and put in perfect order, the ſaids Regiſters and Records, with power alſo to make a perfect Index of all the unprinted Acts of Parliament which doe not concerne particularly private perſons, but ſuch as import and concerne only generally the whole lieges: And ſiclike, gives full power to the perſons foreſaids to lay up the principall late Treatie amongſt the ſaids Records and Regiſters, and generally to doe all and ſundry other things, whereby the ſaids Regiſters and Records may be preſerved, and their perfections or imperfections may be notified: And ordaines them to make report of their faithfull and exact diligence hereintill at the next Parliament. And our Soveraigne Lord and Eſtates foreſaid, declares thir preſents is no wayes prejudiciall to the Clerk Regiſter of receiving, keeping, and uſing of the ſaids Regiſters, and keyes thereof, in the meane time conforme to his right and place.

ACT

ACT LIII.

ACT ANENT COCQUETS, AND ENTRIES of Ships, modifying the entrie to 23. ſhillings 4. pennies, and the Cocquet to 40. ſhillings. 16. *November*, 1641.

OUR Soveraigne Lord and Eſtates preſently conveened, underſtanding there are divers abuſes committed by the Cuſtomers and Receivers of entries of Ships, and by the keepers of the Cocquet, in ſometime exacting from Maſters of Ships greater ſummes of money than is due to them, and ſometimes abſenting themſelves, to the great prejudice of the Merchants eſtate, and to the hazard of the loſſe of their voyage: Therefore our Soveraigne Lord, with advice and conſent of the Eſtates, ordains, that there be no greater price exacted for entring their Ships and Goods, then the ſumme of twenty three ſhillings foure pennies, and for the ſaid Cocquet, then the ſumme of fourty ſhillings: and that the keepers of the ſaid Cocquet attend by themſelves, or their ſervants, diligently and readily, to anſwer and give out Cocquets to all Merchants, and Maſters of Ships, under paine of loſing their place, whenſoever they ſhall be found, either to exact more then the ſaid ſumme above written, or ſhall occaſion to the ſaids Merchants and Maſters more delay nor is needfull for writing of the ſame.

ACT LIV.

ACT ANENT DISCHARGING THE Regiſtration of compriſings, and appointing the recording and allowing of compriſings, and prices thereof. 16. *November* 1641.

OUR Soveraigne Lord and Eſtates of Parliament, having taken to their conſideration, that the regiſtration of Compriſings hath put the lieges to great, needleſſe, and unneceſſary charges and expences, and that the ſamine doth neither adde to the validity of the Compriſings, nor to the benefit of the Compriſers: And therefore have diſcharged, and by the tenour hereof diſcharges all regiſtration of Compriſings, together with all gifts, Acts of Councell, and others warrants, conſuetude or cuſtome whatſoever, granted or obſerved thereanent: And declares, that the ſamine Gifts, Acts of Councell, and others warrants, conſuetude or cuſtome, to be null and of none availe, force nor effect, in all time comming. And ſiclike, our Soveraign Lord and Eſtates of Parliament, conſidering, that a ſhort Record of all Compriſings of lands

lands and rents, heritable bands, contracts, reversions, and others, and legals thereof, *viz.* of the compriſers names and deſignations, The defenders names, the debt for the which the compriſing is uſed, the lands and others compriſed, the Maiſſers and Clerks names, the times of the denunciations and executions, and witneſſes thereto, and date of the compriſings, and of the ſuperiours of the lands compriſed, is very neceſſar for the Lieges their informations: Therefore ſtatutes and ordaines, that all compriſers ſhall be obliged to bring their compriſings to the clerk of the Bils, within threeſcore dayes after the date of the compriſings, to the effect that the ſamine may be allowed by the Lords of Councell and Seſſion, At the which time, ordaines the ſaid clerk to the bils, to make a record of the ſaids compriſings in a book, wherein all compriſings ſhall be recorded in manner above written: for the which allowance and recording of the ſaid compriſing in manner above-written, the clerk ſhall have forty ſhillings for the whole record of ilk compriſing and allowance: And ſiclike for the extract of ilk record of the ſaids compriſings that ſhall be extracted under the ſaid clerk his hands, Our Soveraign Lord and Eſtates ordaines the ſumme of twenty ſhillings for every extract, to be payed to the ſaid clerk of the bils, as due price competent to him therefore, Which ſumme, the ſaid clerk ſhall not tranſcend, under the paines contained in the acts of Parliament.

ACT LV.

ACT DISCHARGING THE LORDS OF Seſſion, to exact twelve pennies for the pound, and all other exactions. 16. *November* 1641.

OUr Soveraign Lord, with advice and conſent of the Eſtates of Parliament, Conſidering that the Senators of the Colledge of Juſtice, are ſufficiently provided by His Majeſty and Eſtates, for ſerving their places without further burden of the Lieges: Therefore His Majeſty and Eſtates foreſaids, diſcharges in all time comming, all ſentence ſilver, twelve pennies of the pound, and other exactions impoſed upon ſentences and decreets to be pronounced by the ſaids Judges: And diſcharges all Acts, Statutes and Ordinances, made for payment thereof: With power alwayes to the ſaids Judges, to modifie ſuch charges to the parties in whoſe favours the ſaids decreets and ſentences ſhall be pronounced, as in equity and conſcience they ſhall think reaſonable, and as the malicious and wilfull pleyars, purſuers, or defenders ſhall deſerve.

ACT.

ACT LVI.

ACT ANENT PARDON OF PENALL

Statutes. 16. *November*, 1641.

OUR Soveraign Lord conſidering, that the preciſe and rigorous exaction of the paine arbitrary and pecuniall adjected to penall Statutes heretofore made, would prove a burthen to his Majeſties Lieges, heavie, and inſupportable, if by his Majeſties Grace and Favour they ſhould not bee eaſed and liberate of the ſame: In conſideration whereof, his Majeſty being willing to give eaſe and reliefe to his Subjects of the foreſaid burthen, Hath therefore been graciouſly pleaſed, with conſent of the Eſtates of Parliament, to diſcharge freely, pardon and remit, and by theſe preſents diſcharges freely, pardons, and remitts all contraveeners of any of the ſaid penall Statutes, for all deeds done by them, contrary to the tenour of the ſame Statutes in time by-gone, Except onely the Statutes concerning the unlawfull taking of uſury, tranſporting of money and gold, ſlaying of red and blacke fiſh, with the penalties incurred by the concealers of annuall rents, and wrongous up-givers of the inventars of their money, which are no wayes diſcharged by this preſent Act nor comprehended under the ſame.

ACT LVII.

ACT IN FAVOURS OF ORPHANES,

Fatherleſſe, and others. 16. *November* 1641.

OUR Soveraign Lord, with the advice and conſent of the Eſtates of this preſent Parliament, Underſtanding many pitifull effects daily found and encreaſing, Anent the miſery and poverty of Orphanes and Fatherleſſe children, to have beene occaſioned in this manner, That many ignorant people, the time of the acquiring to them of bands, contracts, and other ſecurities for payment of ſummes of money, takes the ſamine to them, their heires, executors, and aſſignes, with clauſe and condition of payment of annuall rent therefore during the not payment of the ſaid principall ſumme, meaning thereby, that the ſamine ſhould no wayes remaine unprofitable during the not payment thereof, And no wayes that the ſaid clauſe or condition ſhould make the ſaid ſummes and ſecurities thereof to pertaine to the heire in prejudice of their bairnes and others neareſt of kinne by the heire, whereas by the contrary by the interpretation now obſerved, all ſuch ſummes and ſecurities bearing annuall or profit, are exponed to bee heretable after the terme of payment, and to pertain to the heire, ſo that thereby the reſt of the children neareſt of kinne, and others having intereſt, are altogether therefrom ſecluded, and left pitifully unprovided of any meanes to live on, As alſo the ſaids bands and contracts, are very oft fraudfully concealed and abſtracted, and never knowne to the true owner thereof, that in due time they might make uſe of the ſame, Which is againſt both equity and conſcience, and the intention of the party acquirer of

the ſaids ſecurities, whereby great number of orphanes, fatherleſſe children and others that are ſo prejudged of thats due to them, either by their naturall portion or otherwayes adebted, are brought to great poverty, and miſery, and forced to become beggars, which is oft found by pitifull experience. For remeed whereof, our ſaid Soveraigne Lord, with advice of the ſaids Eſtates, ſtatutes and ordaines, That all contracts, or bands, for ſummes of money payable to parties, with condition of payment of annuall-rent or profit made at any time hereafter, ſhalbe holden, and eſtimate, to pertaine to the bairnes and neareſt of kinne to the defunct, except ſeaſing follow thereupon in the life time of the creditor acquirer thereof, or that by the tenour of the band or contract, the ſamine be conceived to be payable to the heires and aſſigns, ſecluding the executors, or otherwaies that the ſaid band or contract bear *per expreſſum*, obliſhment to infeft, in either of the which excepted caſes ordaines the ſaids ſummes to be heretable, and pertaine to the heir, and out with the ſaids excepted caſes, ordaines the ſaid ſums to be confirmed by the executor without payment of any quote for the ſamine, And that to the end the neareſt of kinne and others having intereſt, as ſaid is, be no wayes fruſtrate of what may be due to them, nor yet the ſaid bands or contracts fraudfully concealed and abſtracted from them, every one of them for their owne parts, Providing alwayes that by vertue of this preſent act, The bands or contracts hereby ordained to pertaine to the neareſt of kinne to the defunct, and to be confirmed, ſhall not fall under the compaſſe of eſcheat, nor yet any part thereof pertaine to the relick *jure relictæ*, But ſhall remaine in the owne nature *quo ad fiſcum et relictam*, as they were before the making of this act.

ACT LVIII

ACT, IN FAVOURS OF THE VASSALS Of ward Lands, holding of the King and Prince.

16. November, 1641.

OUr Soveraign Lord and Eſtates of Parliament, Taking to conſideration the bounty and benevolence of his Majeſties moſt noble progenitors, King *James* the 2. and King *James* the 4. in giving their vaſſalls Liberty to ſet their ward lands few, and herewith alſo remembring that by the 16. act of his Majeſties firſt parliament, *anno* 1633. his Majeſty and the prince his highnes their vaſſals of ward lands, are altogether ſecluded from that benefit of his Majeſties bounty and benevolence foreſaid, which prejudice is by the 37. act of that ſeſſion of this preſent parliament holden in *June*, 1640. yeares, recommended to be conſidered at the next meeting thereafter of the ſaid parliament, and during that *interim* the force and execution of the ſaid act 1633. is ſuſpended and ſuppreſſed, And now his Majeſty being gratiouſly pleaſed of his royall favour and bounty that the vaſſalls of ward lands holding of his ſacred Majeſty and of the Prince his highneſſe, may enjoy their former libertie, with the benefite of his Majeſtie and his moſt noble progenitors their bounty and benevolence foreſaid, unprejudged or empared by foreſaid act, 1633. Therefore our ſaid Soveraigne Lord and Eſtates of Parliament reſcindes

reſcinds and annulls the foreſaid 16. Act of his Majeſties firſt Parliament, *in anno* 1633. yeares, intitulate, Anent vaſſals holding ward, And declares the ſamine Act to be null, of none availe, force, ſtrength, nor effect in all time coming, in ſo farre as the ſamine Act is, or may bee extended to the lands holden ward of the King or Prince, as ſaid is: And declares the vaſſals of the ward lands foreſaids, and others his Majeſties Lieges and Subjects, to bee in that ſame eſtate and condition, and have the ſame libertie concerning ward lands, which they had before the making of the ſaid Act, and as if the ſamine had never beene made, Which our ſaid Soveraign Lord & Eſtates of Parliament declares to be extinct, and of none availe, force, nor effect in all time hereafter.

ACT LIX.

ANENT THE BREADTH OF PLAIDING.

16. *November*, 1641.

WHereas our Soveraign Lord and Eſtates preſently aſſembled, underſtanding that the plaiding of this Kingdom is one of the moſt ancient & prime commodities therof, which of late through the inconſtancy of the breadth, is likely to become of no eſtimation abroade. Therefore our Soveraign Lord, with advice of the ſaid Eſtates, ordains the makers thereof to make the ſame of no leſſe breadth then of three quarters of an elne, under pain of confiſcation of all that ſhalbe found of a leſſer breadth, And farther, underſtanding that the Lords of his Majeſties Councell had, for eſchewing of the deceit in making thereof, ordained the ſame to bee preſented in Folds and not in Rols to the market, as it was uſed of before, Therefore his Majeſty, with conſent and advice foreſaid, ratifies and approves the ſaid Act of Councell dated at Edinburgh the twentie fourth day of *March*, 1635. yeeres, in all the heads, clauſes, and circumſtances thereof, and ordaines the ſame to takefull execution, and to ſtand as a law in all time coming.

ACT LX.

ACT IN FAVOURS OF LAICK PATRONES Of Proveſtries, Prebandries, Chaplandries and Alterages.

16. *November* 1641.

OUR Soveraign Lord and Eſtates of Parliament, Ratifies and approves the Act of Parliament made by King *James* the ſixt His Majeſties Father of eternall memory, Par. 1. *cap.* 12. anent Proveſtries, Prebandries, Alterages, Chaplandries and collegiall Kirks, pertaining to laick Patrones, together with the act of Parliament 12. *cap.* 158. ratifying the ſamine, and ordaines the ſaid acts to have full force and effect in all time comming, With this declaration alwayes, that in reſpect the vaſſals which

held lands of the ſaids Proveſts, Prebanders, and others foreſaids, are put to a great uncertainty of their Superiours, it not being knowne to them, who are provided to the ſaids Proveſtries, Prebandries, Chaplandries, Alterages, and others foreſaids, by reaſon there is no publike Regiſter, to the which they may have recourſe for knowledge and notice thereof, and that the fartheſt that they can know by any regiſters, is the infeftments and ſeaſings made to theſe who are laick Patrons holding of His Majeſtie: Therefore for ſecuring of the vaſſals, who hold Lands, Mils, Fiſhings, Tenements, annual rents of others whatſoever of the ſaids Proveſtries, Prebandries of collegiall Kirks, or of Chaplandries, Alterages and others of that nature, at any time of before: It is Statute and ordained that the entry of the ſaids vaſſals by retour precept of *clare conſtat*, reſignation, compryſing, or other wayes whatſoever, ſhall pertaine to the laick Patrones and their ſucceſſours, who ſtands infeft in the ſaid laick patronages holding immediately of His Majeſty, and that the entrie of the vaſſals by them, ſhall be als vallid and ſufficient to the ſaids vaſſals receivers thereof, as if they were entered by the Titulars of the ſaids Proveſtries, Prebandries, Alterages, Chaplandries, and others foreſaids, and that the ſaid laick Patrons ſhall be in all time comming in their place as ſuperiour to the ſaid vaſſals, and to have the ſame power, to give infeftments to his Majeſties Subjects upon retour, or by precept of *clare conſtat*, or by reſignation, compriſing, or any other manner of way, with gifts *de novo damus*, and that without conſent of perſons, provided, or to be provided to the ſaids Proveſtries and Prebandries of collegiall Kirks, Alterages, Chaplandries, or others titulars of collegiall Kirks, and alſe without conſent of the chapter or convent of the ſaid Prebandries therof, or moſt part of the ſame, which of before was in uſe and cuſtome, whereanent and anent all acts in the contrair his Majeſty with conſent foreſaid, diſpences for ever, reſerving alwayes to the titulars of the ſaids Proveſtries, Prebandries, Alterages, Chaplandries, and others foreſaids, the fruits, rents, and emoluments of the ſaids Proveſtries, Prebandries and others foreſaids, which are no wayes prejudged by this preſent Act.

It is hereby farther ſtatute and ordained, where there is any Prebandries, Chaplandries, Alterages, or others foundations of that nature above mentioned, founded and ſituate within any burgh royall of this Kingdome, that the Proveſt, Bayliffes, and Councell of that Burgh where the ſamine are founded, are and ſhall be in all time comming only indoubted Superiours, by whom, and by no others, the vaſſals and tenants, enter in manner above ſpecified, the Proveſt and Bayliffes being alwayes Patrons.

ACT.

ACT LXI.

ACT DISCHARGING QUOTES OF Teſtaments. 16. *November* 1641.

OUR Soveraign Lord, with advice and conſent of the Eſtates of Parliament, taking to conſideration the great burden, hurt, and prejudice his Majeſties lieges have ſuſtained thir many years by-gone, by exacting of great quote the time of the confirmation of the defuncts Teſtaments, to the waſting and conſuming of the means and eſtates of Minors in ſpeciall, and to the generall grievance of perſons of all ſorts: Therefore our Soveraign Lord, with conſent foreſaid, out of his Highneſſe gracious care, and fatherly affection to the weal and eaſe of all his Majeſties ſubjects, ſtatutes and ordains, that no quote ſhall hereafter be payd by any of his Majeſties ſubjects, for any Teſtament of whatſoever qualitie, to be confirmed by them: And for that effect diſcharges all Commiſſars, Commiſſars Clerks, Fiſchals, and others whom it effeirs, not to exact nor uplift any quote, for whatſoever Teſtament to be confirmed hereafter, the party confirmer paying allanerly the other ordinar dues as appertaine.

ACT LXII.

COMMISSION FOR REGULATING OF Commiſſariates. 16. *November*, 1641.

OUr Soveraign Lord, with advice and conſent of the Eſtates of Parliament, hath given and granted, and by the tenour hereof gives and grants full power and Commiſſion to theſe perſons, who ſhall be nominate by the Lords of ſecret Councell, to whom his Majeſtie and Eſtates of Parliament remits and refers the nomination of the Commiſſioners to the effect after ſpecified, or any five of the ſaids Commiſſioners, to be nominate by the ſaids Lords of Secret Councell, as ſaid is, for ordering the Commiſſars juriſdiction, and clearing the bounds and limits thereof, that there be no occaſion of queſtion betwixt them and other inferiour Judges, with power to the ſaids Commiſſioners to regulate their judicatories, and ſet down prices upon the Seales, Teſtaments, Summonds, Acts, Decreets, and all other Writs concerning that Office, to be taken by Commiſſars, their Clerk, or Procutor Fiſchall, all quotes of Teſtaments being ſpecially diſcharged to be exacted in any time comming, and to ſettle and eſtabliſh the fees of the Commiſſars of Edinburgh: and for that effect to meet and conveen at Edinburgh the day of with power to them to appoint diets as oft as they ſhall think fit, untill the ſaid Commiſſion take effect anent the particulars foreſaid: And whatſoever the ſaids Commiſſioners, or their *Quorum*, ſhal determine and conclude thereanent, our Soveraign Lord, with advice foreſaid, ratifies and approves, and ordains the ſame to have the ſtrength, force, and authoritie of an Act of Parliament.

ACT LXIII.

ACT DISCHARGING MONOPOLIES.

16. *November* 1641.

OUR Soveraigne Lord and Eſtates of Parliament, conſidering the great hurt and prejudice ſuſtained by ſundry his Majeſties lieges, by the Monopolies uſed and exacted within this Kingdome, and which have beene conferred to the uſe of any particular perſon or perſons, to the great hurt and prejudice of others his Majeſties lieges, and ſpecially the gift for ſelling Tobacco, granted to Sir *James Leſley*, and *Thomas Dalmahoy*, the Patent of the Lether granted to the Earle of Marre, the Patent of Pearling granted to *Bannatine*, the Patent of Pearle granted to *Robert Buchane*, the Patent of Armorie granted to *Harrie Mauld*, Therefore our Soveraign Lord and Eſtates of Parliament, by the tenour hereof annuls, reſcinds, and ſimply diſcharges the particular gifts foreſaids, granted to the perſons above written, and all that may follow, or hath followed thereupon, And ordains the ſame and all other Patents of that nature, purchaſt or to be purchaſt for the benefit of particular perſons, in prejudice of the publick, to ceaſe and be ineffectuall in all time comming.

ACT LXIV.

COMMISSION FOR MANUFACTORIES.

16. *November*, 1641.

OUR Soveraign Lord and Eſtates of Parliament, conſidering how neceſſary, expedient, and profitable the erecting and maintaining of Manufactories will be for this kingdome, as well in keeping great quantities of money within the ſame, which is now daily exported for wrought commodities, as in ſetting poore ones on worke, reſtraining of idle beggars, increaſe of vertue, and bringing of moneyes into the Countrey: And this being a matter of ſo great goodneſſe, wiſhed by every man, and oft times aymed at, to be brought to ſome perfection, as witneſſe many ſeverall acts of Parliament, acts of Convention and Councell, eſpecially King *James* the ſixth his ſeventh Parliament, *cap.* 113. *Item* King *James* 6. his 15. Parliament, *cap.* 250. and 252. *Item* the acts of Councell, May 1597. July 1600. November 1601. December 1601. May 1612. Octob. 1614. Auguſt 1616. July 1620. Feb. 1623. July 1623. *Item* the acts of Convention, June 1605. November 1625. Auguſt 1626.

yet

yet the ſamine hath not as yet made any conſiderable progreſſe, for want of cheriſhing, entertainment, and right order for proſecution thereof: In conſideration whereof, His Majeſty and Eſtates of Parliament, being reſolved to uſe all ordinar meanes for erecting, cheriſhing, and maintaining of Manufactories within this Kingdome, And His Majeſty, with advice and conſent foreſaid, being graciouſly pleaſed to grant all Liberties, Priviledges and Immunities to the erectors thereof, Therefore His Majeſty and Eſtates foreſaid, gives, grants and commits to theſe perſons, or *Quorum* thereof, who ſhall be nominate by the Lords of ſecret Councell, (to whom the Kings Majeſty and Parliament hereby gives the nomination of the ſaids Commiſſioners, and *Quorum* thereof foreſaid, to the effect after ſpecified,) full power, warrant and commiſſion, to meet and conveen at Edinburgh, or any other place or places, at ſuch dayes and times they or the ſaid *Quorum* ſhall think fitting, and there to conſult, adviſe and determine upon the beſt rules, overtures and propoſitions, and wayes for erecting and maintaining of the ſaids manufactories of all ſorts: With power to them, or the ſaid *Quorum*, To call and conveen before and with them, any perſon or perſons who can give them information or aſſiſtance in the ſaids buſineſſes: As alſo with power to them, or their ſaid *Quorum*, to appoint correction-houſes in ſuch parts of the Kingdome, as they ſhall think moſt conduceable for the good of the ſaids Manufactories, and reſtraint of idle and maſterleſſe beggars: As alſo with power to them to preſcribe rules and wayes for aſſiſting, ſupplying, and maintaining of theſe who have already, or ſhall, during the time of this Commiſsion, erect and entertaine any of the ſaids Manufactories, and to direct letters againſt maſterleſſe people, and their receptars, as well to burgh as land-ward, commanding them to worke at ſuch reaſonable rates, as the ſaid Commiſſioners, or *Quorum* thereof, ſhall appoint: With power likewiſe to them to make Corporations, and to grant them priviledges, conforme to the lawes of the Kingdome. And ſicklike, his Majeſty, with advice foreſaid, out of his gracious favour and bountie, doth hereby, for the better encouragement to all theſe who have undertaken, or ſhall undertake the erecting and maintaining of the ſaids Manufactories, or any one thereof, gives and grants to them the priviledges and immunities following, *viz.* all Spaniſh and forraigne fine wool, for making of fine cloth, ſhall be cuſtome free: *Item*, all litſter ware, oyle, and others neceſſaries for the uſe of the ſaids workes allanerly, ſhall be free of all Cuſtomes and Impoſt: *Item*, all parcels of cloth, Seyes, and others, made by any who have erected, or ſhall erect any of the ſaids works, ſhall be Cuſtome and Impoſt free for the ſpace of fifteene yeares after the erecting thereof: *Item*, the workers of the ſaids works erected, or to be erected, ſhall be free of any taxation or impoſition to be impoſed on the Kingdome for any occaſion by-gone or to come: *Item*, it ſhall not bee leaſome to any in the Kingdome to hire, reſet, or entertain any of the ſervants of the ſaid works, without conſent of the Maſters thereof.

ACT

ACT LXV.

COMMISSION BY THE KING AND Parliament, to the Lords of ſecret Councell.

16. November, 1641.

OUr Soveraign Lord, with advice and conſent of the Eſtates of Parliament, Conſidering that his Majeſtie being now actually preſent in his royall perſon in this his native and ancient Kingdom, and willing before his returne to England (where his Majeſties more ordinar reſidence hath been heretofore, and will apparently be in time coming) to leave behind him ſuch a pledge and teſtimony of his tender reſpect, royall care, and fatherly affection for eſtabliſhing the good and happie governement of this his Majeſties ancient Kingdome, as in ſome meaſure may ſupply the want of his royall preſence amongſt them, Hath to this effect, out of his native goodneſſe, condeſcended to an Act made in this preſent Seſſion of Parliament with conſent of the Eſtates, whereby his Majeſty for himſelfe and his Succeſſours, hath willed, enacted, and ordained, that now and in all time coming, the Officers of State, Lords of ſecret Councell, and Lords of Seſſion, on whoſe care, wiſedome, and fidelity in their ſeverall judicatories (which next unto the ſupreme Court of Parliament are the chiefe and principall judicatories) depends the weal and happineſſe of the government, ſhall be choſen now and in all time comming, by His Majeſty and his Succeſſours, with advice and approbation of the Eſtates of Parliament when they are ſitting, and for the *interim*, with advice of the Lords of ſecret Councell and Seſſion *reſpective*, as in the ſaid Act of Parliament at more length is contained: Therefore His Majeſty hath, with ſpeciall advice and approbation of the ſaids Eſtates, nominated, elected and choſen the perſons after following, Lord Loudoun Chancellour, Duke of Lennox, Marqueſſe of Hammiltoun, Earle of Argyle, Earle Marſhall, Earle of Sutherland, Earle of Mar, Earle of Mortoun, Earle of Eglintoun, Earle of Caſſils, Earle of Glencairn, Earle of Murray, Earle of Pearth, Earle of Dumfermling, Earle of Wigtoun, Earle of Kinghorne, Earle of Roxburgh, Earle of Sea-forth, Earle of Lauderdaill, Earle of Lothian, Earle of Kinnowl, Earle of Southesk, Earle of Weymes, Earle of Dalhouſſie, Earle of Finlater, Earle of Lanerk, Earle of Levin, Lord Angus, Lord Lindeſay, Lord Yeſter, Lord Sinclair, Lord Elphingſtoun, Lord Balmerino, Lord Burghlie, Lord Almond, Lord Balcarras, Clerk Regiſter, Advocate, Juſtice Clerk, Theſaurer Depute, Maſter of Requeſts, Sir Robert Gordoun, Sir William Douglas, Sir Patrike Hepburne, Lord Dundas, Lord Fintrie, Lord Cambo, Lord Dun, Lord Innes, Lord Morphie, The Proveſt of Edinburgh for the time being, and thir ſupernumerarie Councellors Engliſh, *viz.* Earle of Arundall, Earle of Pembroke, Earle of Salisbury, Earle of Holland, To whom, or any nine of them, by theſe

theſe ſupernumerary above named, His Majeſty with advice and conſent of the ſaid Eſtates hath committed, and commits the adminiſtration and governement of this his Majeſties native Kingdom in all affaires concerning the peace, good, and happineſſe thereof, which by the Lawes and Cuſtome of this Kingdome, pertaines to the judgement, cognition, and determination of his Majeſties privie Councell, with power to them, or any nine of them, as ſaid is, to meet and conveen at the place appoynted for the ordinair reſidence of his Majeſties privie Councell within the burgh of Edinburgh, or at any other place or places, which by common conſent in caſe of any neceſſity or urgent occaſion thereof, ſhall bee found moſt fit and convenient, and there to advice, conſult, deliberate, conclude, decerne, and determine upon all and ſundry affaires, purpoſes, and actions, which may concerne the good and peace of the Kingdome, according to the Lawes and Acts of Parliament eſtabliſhed, or to bee eſtabliſhed within the ſamine, and to heare, decide, and determine upon all cauſes and actions betwixt Subject and Subject proper to bee decided by the Lords of his Majeſties privie Councell, and that none bee preſent at their meetings but ſuch as are of the privie Councell, with the clerke of the privie Councell, whom his Majeſty with advice foreſaid continues in his place as of before: His Majeſty with advice and conſent foreſaid hath likewiſe given and granted, and by the tenour hereof gives and grants full power and Commiſſion to the ſaid Councell and every one of them upon any interveening occaſion of diſorder or trouble in ſuch parts of the Countrey, where they ſhall remaine for the time, To command and charge the perſon or perſons committers of ſuch diſorders to obſerve and keepe his Majeſties peace, and to charge the contraveeners thereof to enter their perſons in ward, in ſuch part or places, or within ſuch a ſhort ſpace, as the ſaid Councellour ſhall think meet, there to remaine till order bee taken by a full number of the Councell in the matter wherein they have offended, Providing alwayes he be comptable to his Majeſty and the reſt of the Councell, and that no juſt cauſe of complaint be heard againſt him: And if the perſon or perſons ſo charged to ward, ſhall happen to diſobey and contemn the charge, his Majeſty with advice and conſent of the ſaids Eſtates declares, that upon report thereof to the Councell, a pecuniall ſumme ſhall be impoſed upon the offender, according to the quality of his perſon and nature of his offence, and the Councell is to cauſe apprehend the offenders, and commit them to ward, with power likewiſe to the ſaid Councell to make and ſet downe Acts and Ordinances for governement of the Kingdome, and ſuppreſſiug of diſorders within the ſame, With power likewiſe to the ſaid Councell, to give and appoynt Aſſeſſors to the Juſtice generall and his Deputies in caſe of neceſſity, and to give warrant to the ſaid Juſtice, his Deputes, and Aſſeſſors, for continuing execution after conviction, or for mitigating the puniſhment of the Law in criminall cauſes, if the nature and quality of the crymes ſhall require, & to grant Commiſſions of Juſticiarie in matters criminall, & other Commiſſions in matters concerning the weale of the Kingdome, and als with power to them to give warrant to the ſaid Juſtice generall, his Deputes and others Commiſſioners foreſaids, for imponing

imponing of fines or pecuniall ſummes upon the crimes of Adultery, bearing and wearing of Hagbuts and Piſtolets, uſury, and ſuch other tranſgreſſours of the acts of Parliament, where the puniſhment by the Law is inflicted upon body or goods, or left to the arbitriment of the Judge: And likewiſe with power to them, to grant exemptions from hoſtes, raids, aſſiſes and licences, for departing out of the Kingdome, according to the conditions contained in the act of Parliament: And alſe with power to the ſaid Councell, in caſe an open and avowed rebellion ſhall happen to be raiſed within the ſaid Kingdome, which cannot be redreſſed but by force, To give commiſſion of Lieutenantrie and Juſtitiarie for repreſſing of the ſaid rebellion, and to direct charges to ſuch parts of the countrey as they ſhall think fit for concurrence to be given in execution of the ſaid commiſſion, and to give order and direction to furniſh and advance the ſummes of money that ſhall be requiſite in ſuch expeditions: With power likewiſe to the ſaid Councell to raiſe the Seſſion upon any interveening occaſion or neceſſity, and to appoint times and places of their downe ſitting: And generally, with power to the ſaid Councell, to do, uſe and exerce all and every thing, which the Councell of the ſaid Kingdome did, or might have done the time of his Majeſties late Father: Providing alwayes, like as his Majeſty expreſly provides, with advice and conſent foreſaid, that this Commiſſion ſhall no wayes be prejudiciall to the commiſſion of Exchequer: And it is declared that any nine of the ſaid Councell ſhall be a ſufficient number and make a Seſſion, providing the Lord Chancellour be one of the nine: and in caſe of the abſence of the ſaid Lord Chancellour, it is declared that it ſhall be lawfull to any nine or moe of the Councell conveened in the ordinar place, and at the indicted time of meeting, to chooſe one of the number conveened, who ſhall preſide at the meeting als oft as the Lord Chancellour ſhall be abſent. And his Majeſty and Eſtates, conſidering that the often abſence of the moſt part of the Councell, and their not attendance upon the charge and truſt concreded unto them, will be a great impediment and hinderance to his Majeſties ſervice, Therefore his Majeſty, with advice foreſaid, declares, that it is his ſpeciall pleaſure and command, that the Lord Chancellour, or Preſident of the Councell, to be elected as ſaid is, doe ſee and provide that the Councell be frequent, ſpecially in great and weighty matters of Eſtate: And if upon occaſion that requires the number of the Councell to be more full then the ſaid *Quorum*, the Lord Chancellour, or Preſident to be elected in manner foreſaid, ſhall write to ſuch others of the Councell as they think fit to be preſent, and give their attendance: In which caſe, if any diſobey, without a licence obtained from his Majeſty, or the *Quorum* of the Councell, or without ſome reaſonable cauſe (either of which ſhall excuſe their abſence) then and in that caſe his Majeſty, with advice foreſaid, wils, that the abſent ſhall be cenſured by the ſaid Councell, as a neglecter of his Majeſties ſervice, and that his Majeſty be advertiſed thereof. And it is declared, that if any of the ſaids Councellours places vaiks by deceaſe, dimiſſion, or deprivation, that his Majeſtie in the *interim* ſhall nominate another of

of the ſame degree and quality in the vacant place, with advice of the moſt part of the Lords of Privie Councell, they being all preſent at the ſaid election, at the leaſt lawfully warned to that effect, upon fifteene dayes warning, conforme to the Act of Parliament made thereanent: Which election made in the *interim*, as ſaid is, ſhall be allowed or diſallowed by his Majeſtie, with conſent of the Eſtates in the next enſuing Parliament, as they ſhall think expedient. And als his Majeſty, with conſent of the ſaids Eſtates, gives power to the ſaids Lords of Secret Councell, or any nine of them, as ſaid is, to ſet down ſuch rules and orders for their meetings and attendance, and ſpaces and times thereof, as they ſhall reſolve, appoint, and ordaine amongſt themſelves: And wils and declares, that the ſaids Lords of Secret Councell, now nominate, as ſaid is, and theſe who ſhall be ſurrogate in their places in the *interim*, in manner foreſaid, ſhall have, bruik, and enjoy their places *ad vitam vel ad culpam*, and ſhall be liable to the cenſure of his Majeſty and the Eſtates of Parliament, anent their proceedings therein, firme and ſtable, holding whatever by the ſaids Lords, or any nine of them, as ſaid is, ſhall be lawfully done in the premiſſes: And decernes and ordaines all his Majeſties lieges and ſubjects to reverence, acknowledge and obey the ſaids Lords of his Majeſties councell in all things concerning the charge and truſt committed to them, as ſaid is, under all higheſt paine and charge which after may follow: And this Commiſſion to indure to the next Parliament and longer, ay and while the ſame be expreſly diſcharged.

ACT LXVI.

ACT DISCHARGING THE CUSTOME Of two and an halfe of the hundred, and the Impoſt of foure pounds on the Tunne.

17. *November* 1641.

OUR Soveraign Lord and Eſtates of Parliament, conſidering that the prices of all Merchandize doe daily riſe to exceeding great dearths, which is alledged to bee occaſioned through extraordinary Cuſtomes and Impoſitions: For remeed whereof his Majeſty, with advice and conſent of his ſaids Eſtates, doth diſcharge all and ſundry whatſoever Cuſtomes and Impoſitions exacted by the Cuſtomers, which are not allowed and approved by the Acts of Parliament, and eſpecially the late Cuſtome of two and an halfe *per Centum*, and late new Impoſition of foure pound upon the Tunne of wine, and all raiſing of his Majeſties Cuſtomes, directly or indirectly, without conſent of Parliament. And becauſe that the too much troubling of Merchant eſtate, and drawing of Maſters and Mariners from their ordinary charges, doth much impede the trade: Therefore his Majeſty, with advice and conſent foreſaid,

ſaid, diſcharges the taking of Merchants, Maſters, and Mariners oaths in the matter of Cuſtomes: and to the end that the ſubject of trade may not be reſtrained with unneceſſary cuſtomes, therfore his Majeſty, with conſent foreſaid, declares, that all goods and Merchandize imported from forraine places to this kingdome and out, paying inward Cuſtome, ſhall be free of all outward Cuſtome, according as is uſed in England and Ireland. Like as his Majeſtie declares, that he conſented to the Act above written upon this condition, that commiſſion and warrant be granted to the Exchequer to eſtabliſh the Booke of Rates according as the prices of merchandize now rules, and his Majeſty permitted the option to the Burrowes: Whereupon the Burrowes having adviſed, they made choice to be ruled by the Booke of Rates anent the Cuſtomes, and conſented that Commiſſion ſhould be granted to the Exchequer to eſtabliſh the Booke of Rates, according as the prices of Merchandize now rules: In reſpect whereof, our Soveraigne Lord and Eſtates of Parliament ordaine a Commiſſion to be drawne up to the Exchequer to the effect foreſaid, and extracted thereupon, for eſtabliſhing the Booke of Rates, according as the prices of Merchandize now rules. And therefore our ſaid Soveraigne Lord and Eſtates of Parliament, ordaines the Act above mentioned to ſtand as a law in manner, and to the effect before rehearſed.

ACT LXVII.

ACT IN FAVOURS OF MINORS ANENT The duties of the lands compriſed from them.

17. *November* 1641.

OUR Soveraigne Lord, with advice of Eſtates of Parliament, ratifies and approves the Act of Parliament made in Auguſt 1621. *cap.6.* in ſo farre as the ſamine concernes Minors, and declares, that the true meaning thereof was and is, that Minors, having right to the legall reverſion, ſhould be no further obliged, than during their minoritie of 21 yeares of age, but allanerly for the annuall rent of the ſummes contained in the compriſings, and that they tyne not the right of the ſuperplus of the mailes and duties of the lands, ſo farre as the ſamine exceeds the ſaid annuall rents induring their ſaid minoritie.

ACT.

ACT LXVIII.

ACT ORDAINING THE COMMISSIONERS For the Thesaurarie. 17. *November* 1641.

OUR Soveraign Lord, Considering that His Majesty was lately pleased to condescend to the humble desire of His Majesties Estates of Parliament, to nominate by their advice and approbation, His Officers of Estate, of whom his Majesties high Thesaurer is one, And that His Majesty for the present is not resolved upon the nomination of any particular person, to enjoy the said place, but hath with advice of the saids Estates, taken present course to supply the want of a principall Thesaurer, by a Committee, Therefore His Majesty with consent of the saids Estates, makes, nominates and constitutes, *John* Earle of Loudoun, High Chancellour of this Kingdome, *Archbald* Earle of Argyle, Lord Campbell and Lorne, *William* Earle of Glencairne Lord Kilmars, *John* Lord Lindesay of Struther, and Sir *James Carmichael* of that ilk Knight, Thesaurer Depute, his Majesties Commissioners to the effect under-written: And gives and grants to them or any three of them, the full place and power of His Majesties high Thesaurer, Comptroller, Collector and Thesaurer of his Majesties new augmentations, with all liberties, priviledges, immunities, benefits and emoluments whatsoever pertaining to the said place of high Treasurer, Comptroller, Collector and Thesaurer of his Majesties new augmentations, and that in as ample manner and quality, as the same was in the Persons of any of His Majesties high Thesaurers, in any time of before: With power to them, or any three of them, to uplift, gather, and intromet with all and sundry His Majesties rents, revenewes, customes, imposts, casualities, commodities, dueties, and others whatsoever, any wayes belonging to his Majesty within this Kingdome, or to his Majesties deerest Sonne the Prince, and that of all years and termes by-gone, and yearely in time comming, and with power to them, or any three of them, with advice of the remanent Commissioners of Exchequer, contained in his Majesties Commission under the great Seale, and according to the tenour thereof, to compone, passe and subscribe signators, gifts, confirmations, escheats, liferents, remissions, tutories, gifts by forfeiture, recognition, wards, marriages, reliefe, non-entresses, legittimations, presentations, taks, rentals, licences, dispensations and others dispositions, writs and securities whatsoever, pertaining to the saids Offices, or any of them, or to the power and priviledges thereof, But prejudice alwayes to the said Sir *James Carmichael* Thesaurer Depute, of his gifts of the office of Thesaurary Depute, whole liberties, power and priviledges therein contained, which are holden, as herein expreset, but adding or paring

to him in the point of receiving, and without derogation in any ſort to this preſent act and commiſſion: And it is declared that the yearly fees and other caſualities due to his Majeſties principall Theſaurer, and eſpecially the ſumme of foure thouſand pounds ſcots money ſhall bee divided equally amongſt the ſaids firſt foure of the ſaid commiſſioners by the ſaid Theſaurer Depute, who hath right to his owne fee and caſualities, by vertue of his gifts granted to him thereupon, And His Majeſty with conſent foreſaid, ordains the Lords of His Majeſties Privie Councell, Seſſion or Exchequer, to grant and direct letters at the inſtance of the ſaids Commiſſioners, for anſwering and obeying them, their chalmerlands, under receivers and officers of all and ſundry of His Majeſties rents, caſualities, cuſtomes, impoſts and duties belonging to the ſaid office, and that enduring the time of this preſent Commiſſion which ſhall endure to the next Parliament.

ACT LXIX.

ACT ANENT RESTITUTION OF HORSE And Armes, to the Owners, out-putters thereof.

17. *November* 1641.

OUR Soveraign Lord and Eſtates of Parliament, Conſidering that diverſe Souldiers, aſwell foot as horſe, who were imployed, reiked out & ſent forth with the Armies and Regiments levied during the time of the late troubles, Having at their going forth and outreiking, received troup-horſes, arms, ammunition, horſes, and baggage horſes from the heritors of lands and others who did reik and ſend them forth, and that the ſaids Souldiers keepers up, and withholders, or have put away the ſaids horſes and armes intruſted to them from the owners thereof: Therefore Our ſaid Soveraigne Lord and Eſtates of Parliament, doe hereby grant full power and warrant to the Committee appointed from the Parliament for regulating and ſetling of the common burdens and debts of the Kingdome, and to all other Judges ordinair, aſwell to Burgh as Land within this Kingdome, within whoſe bounds any ſuch perſons dwell, or can be found, who have keeped or detained either horſes or armes, That the ſaids Judges do forthwith upon complaint of the partie, owner of the ſaids horſes and armes, call the receivers and detainers or out-putters of them, before them, and to diſcernand ordain them to deliver the ſaids horſes and armes, to the ſaids owners or the prices of ſame, their receit of them being lawfully proven: And with power to the ſaids judges, to do every thing as lawfull and neceſſair, anent the premiſſes agreeable to Juſtice, and the Lawes of the Country.

ACT.

ACT LXX.

ACT *SALVO JURE CUIUSLIBET.*
17. *November*, 1641.

OUR Soveraigne Lord and Eſtates of Parliament, Conſidering that in the preſent Parliament there are many particular Acts, and Acts of ratifications made in favours of particular perſons, which may be prejudiciall to parties having intreſt, and not heard, albeit the meaning of the Eſtates be at this time, as it was ever in all preceding Parliaments, That by no particular Act, or Act of ratification granted to any particular perſon, any other parties ſhould bee hurt or prejudged of their lawfull rights and defences, competent to them of the Law: For remeed whereof, it is ſtatute and ordained, that no ratification, nor other particular Act whatſoever, made in favours of any particular perſon, in this preſent Parliament, be prejudiciall to any other parties rights or defences competent to them of the law: But that the ſaids particular Acts, and Acts of Ratification made in favours of particular perſons, be alwayes underſtood *ſalvo jure cujuſlibet.*

ACT LXXI.

ACT APPOINTING THE NEXT PARliament to conveen the firſt Tueſday of June 1644.
17. *November* 1641.

OUR Soveraigne Lord and Eſtates of Parliament, Conſidering, that forſameikle as by the Act of Parliament made in the Seſſion of this preſent Parliament holden at Edinburgh in June 1640. anent trienniall Parliaments: It is ſtatute and ordained, that before the cloſure of every Parliament, the day of the next ſubſequent Parliament ſhall be condeſcended upon. And becauſe this preſent Parliament is this day, by the aſſiſtance of God Almighty, and his Majeſties great wiſedome, to be

brought to an happy concluſion: Therefore his Majeſtie and Eſtates foreſaids, appoint and ordaine the firſt Tueſday of the moneth of June *in Anno* 1644. yeares, to be the day of meeting and conveening of the next trienniall Parliament, But prejudice alwayes to his Majeſty to appoint any diets of Parliament betwixt and that day, as his Majeſty ſhall think fitting: And ordaines all the Members of Parliament to meet and conveene at Edinburgh the ſaid firſt Tueſday of June 1644. and all other perſons intereſſed, without any other or farther warning and premonition to be made for that effect: declaring hereby, that the publication of this Act, with the reſt of the Acts of this preſent Seſſion, ſhall be als ſufficient for meeting and conveening of the whole Members of Parliament, as if all former ſolemnities were uſed, whereanent his Majeſty and Eſtates hereby diſpenſes.

FINIS.

A TABLE OF THE PRINTED ACTS DONE IN THE SESSION Of the ſecond Parliament of our Soveraign Lord King *CHARLES. &c.*

Holden at *EDINBURGH* upon the eleventh day of *June* 1640. And in what Leafe and Page the ſame is to be found.

1 *ACT anent the chooſing of* Robert *Lord* Burghly, *to be Preſident in this Court and Seßion of Parliament, in reſpect of the abſence of the Kings Commiſsioner.* pag. 3.

2 *Act anent the conſtitution of the Parliament, and all ſubſequent Parliaments.* 4.

3 *Act anent the chooſing of Committees out of each Eſtate.* 5.

4 *Act anent the ratification of the acts of the aſſembly.* 6.

5 *Act anent the ratification of the Covenant, and of the Aſſemblies Supplication, act of Councell, and act of Aſſembly concerning the Covenant.* 9.

6 *Act Reciſſorie.* 20.

7 *Act for planting of Kirks unprovided with Miniſters through the Patrons default.* 22.

8 *Act anent admiſsion of Miniſters to Kirks which belonged to Biſhopricks.* ib.

9 *Act diſcharging the going of Salt-pans and Mils on the Sunday.* 24.

10 *Act diſcharging Salmond fiſhing on the Sunday.* ibid.

11 *Act againſt Papiſts.* 25.

12 *Act diſcharging Zule vacance, and appointing the Seſsion to ſit down the firſt day of* November, *and riſe the laſt of* February, *and thereafter to ſit down the firſt of* June, *and riſe the laſt of* July *yearely.* 26.

13 *Act diſcharging the Munday Market in* Edinburgh, Jedburgh, Drumfreis, Brechin, *and* Glaſgow. 27.

14 *Act for taking order with the abuſes committed on the Sunday by the confluence of people for hiring of Shearers.* 28.

15 *Act for directing Letters of Horning and Caption by the Lords of Seſsion againſt excommunicate Prelates, and all other excommunicate perſons.* 29.

16 *Act anent the large Declaration or* Manifeſto. ibid.

17 *Act ſtatutarie appointing Parliaments to be holden once every three yeare.* 30.

18 *Act anent the keepers of the Caſtles of* Edinburgh, Striviling, *and* Dumbartane. ibid.

19 *Act anent the Production of the Regiſters, and Records of Parliament to the firſt Seſsion of each Parliament.* 31.

20. *Act diſcharging all Proxies to be admitted in Parliament, and that no forraine Noblemen ſhall have place and voice in Parliament, unleſſe they have ten thouſand marks of land-rent within this Kingdome.* 32.
21. *Act diſcharging the granting of Protections by the Lords of Councell and Exchequer.* 33.
22. *Act anent the Exchequer, declaring the ſame, to be onely Judges to matters concerning the managing of the Kings rents and caſualities.* 34.
23. *Act in favours of thoſe who held their lands of Archbiſhops, Biſhops, or of their chapters.* 35.
24. *Act anent Vaſſals of erections, that they be not ſubject in double payment, nor the Superiours defrauded of their few duties.* 36.
25. *Act appointing all grievances to be given in plaine Parliament.* 37.
26. *Act for ſuppreſſing the diſtinction of ſpirituall and temporall Lords of Seſſion.* ibid.
27. *Act againſt lieſing-makers, of whatſoever qualitie, office, place or dignity.* 38.
28. *Act anulling all unlawfull and unjuſt Proclamations made under the pain of treaſon, againſt the diſobeyers.* 39.
29. *Act explaining the preceding Acts of Parliament made againſt Bands and Conventions amongſt the Subjects: as alſo declaring the Bands and Conventions made and keeped ſince the beginning of the preſent troubles to be legall and lawfull.* ibid.
30. *Act anent the ward and marriage of theſe who ſhall happen to be killed in the defence of the Religion, and liberties of Kirk and Kingdome.* 40.
31. *Act ratifying the act of the Lords of Seſſion, made for ſupplying of the abſence of the Signet, and diſcharging the tranſporting thereof, or any other Seale in time comming.* 41.
32. *Act diſcharging all cuſtome of Ammunition brought home to the Leiges, to their owne uſe, for defence of Religion, and liberties of Kirk and Kingdome.* 43.
33. *Act for the Committees of Eſtates.* ibid.
34. *Act anent the common reliefe.* 48.
35. *Act ordaining Summonds to be direct, and execute againſt the perſons who are culpable of the crimes and faults, contained in the Act, to compeare before the next Seſſion of Parliament.* 52.
36. *Act in favours of the Kings Vaſſals of ward-lands, recommending their prejudice by the Act* anno 1633. *to the conſideration of the next Parliament, and in the meane time, while then, ſuſpending the force and execution of that Act.* 53.
37. *Act appointing the fees for the Procuratour, the Clerk and Agent for the Kirk.* 54.
38. *Act ordaining the whole Subjects and Leiges of this Kingdome to obey, maintain and defend the Concluſions, Acts and conſtitutions of this preſent Seſſion of Parliament, and to ſubſcribe the band appointed for that effect.* 55.
39. *Act declaring the Parliament current and continuing the ſame while the nineteenth day of November next.* 59.

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19. November 1640.

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14. Januarie 1641.

2 *Act of continuation of the Parliament to the* 13. *of April*, 1641. 62

13. April 1641.

3 *Act continuing the Parliament to the* 25. *of May* 1641. 64

25. May 1641.

4 *Act continuing the Parliament to the* 15. *of July* 1641. 65

18. Auguſt 1641.

5 *Act containing the Oath ordained to be taken by every Member of Parliament before they proceed to any act or determination.* 67

26. Auguſt 1641.

6 *Act ratifying the Articles of the Treatie.* 68

Ultimo Auguſti 1641.

7 *Act diſcharging* James Bannatines *Patent of pearling, and wearing thereof.* 87

1. September 1641.

8 *Act diſcharging unlawfull marriages.* 88

2 September 1641.

9 *Act anent non-covenanting Patrones, appointing the right of preſentation to their Kirks to pertain to the Presbyterie* ibid.

10 *Act for freeing of Viccarages provided to Miniſters for their ſtipends of all payment of taxations.* 89

9 September 1641.

11 *Act againſt ſuſpenſions for Miniſters ſtipends, duties of Colledges, Hoſpitals and Schooles.* ibid.

10. September 1641.

12 *Act for aboliſhing the monuments of idolatry.* 91

13 *Act anent non-communicants, and excommunicate perſons.* 92

14 *Act anent the Bullion.* 93

16. Sep-

16. September 1641.

15 *Act anent the election of the Officers of Eſtate, Counſellours, and Seſſioners.* 94

Ultimo Septembris 1641.

16 *Act anent the nomination and election of the Lord Lowdoun to be Chanſellour.* 95

29 October 1641.

17 *Act anent the change of the termes from Whitſunday and Martinmas to Candlemas and Lammas.* ibid.

11 November 1641.

18 *Act anent the charges of the Commiſsioners for the Barons.* 96
19 *Act anent the charges of the Commiſsioners for the Sherifdome of Sutherland.* 98

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20 *Act anent the nomination and election of theſe Officers of Eſtate retained in their places.* 99
21 *Act anent the nomination and election of Sir* Alexander Gibſon *younger of Durie to be Clerk Regiſter.* 100
22 *Act anent the nomination and election of the Counſellours.* 101
23 *Act anent the nomination and election of the ordinair and extraordinair Lords of the Seſsion.* 102

15. November 1641.

24 *Act anent the Commiſsion for the common burthens of the Kingdom.* 103
25 *Act of approbation in favours of the Committee of Eſtates.* 110
26 *Act for reliefe of theſe who have given band for the uſe of the publicke.* 112
27 *Act for receiving of the remainder of the brotherly aſsiſtance from the Parliament of England.* 113
28 *Act diſcharging the ganging of Salt-pans, Mills, fiſhings, Kills, and other prophanations on the Lords day.* 115
29. *Act anent the nomination and election of Sir* James Galloway *to bee Maſter of Requeſts.* 116
30 *Commiſsion for plantation of Kirks.* 117

16. November 1641.

31 *Commiſsion anent the Articles of the Treatie, referred to conſideration by the Treatie.* 123
32 *Commiſsion for conſerving the articles of the Treatie.* 124
33 *Act anent the five Incendiaries and Plotters, with the Kings declaration thereanent.* 126
34 *Commiſsion for trying the Incendiaries and Plotters.* 127
35 *Act for paſsing from theſe who are cited to the Parliament as unfriends.* 130
36 *Act anent ſelling yarne by weight.* ib.
37 *Act anent linnen cloath and breadth thereof.* 131
38 *Act diſcharging the importation of ſtrong-waters.* ib.
39 *Act anent the exciſe of herring.* 132
40 *Act anent loyall packing of Salmond.* 133
41 *Act diſpenſing with the Kings rents uplifted by warrant of the Commitee for the publicke uſe.* 134

16. November 1641.

42 *Act diſcharging advocations for ſummes within a hundred pound.* 135
43 *Act for directing of cocquets within the regality of Saint Andrewes in the Kings name.* ib.
44 *Act diſcharging tranſportation of eggs.* 136
45 *Act againſt deſtroyers of Planting, Parks, and others.* ibid.
46 *Act ordaining the purſuer of the thiefe to be reſtored to his owne goods.* 137
47 *Act anent coale-hewers.* 138
48 *Act diſcharging the mixing of tinne with lead.* ibid.
49 *Act anent preſenting and docquetting of ſignators, letters, and others.* 139
50 *Act anent the election of the Preſident of Parliament.* 140
51 *Act anent ſuperioritie of lands whichheld of Biſhops and their Chapters.* ibid.
52 *Commiſsion for reviſing of the Regiſters.* 142
53 *Act anent Cocquets and entries of Ships.* 143
54 *Act diſcharging the regiſtration of Compriſings, and appointing onely recording and allowing thereof, and modifying 40. ſhillings for both.* ib.
55 *Act diſcharging the Lords of the Seſsion to exact twelve pennies for the pound, and all other exactions impoſed upon ſentences to be pronounced by them.* 144
56 *Act anent the pardon of penall Statutes.* 145
57 *Act in favours of Orphans, fatherleſſe children, and others.* ibid.
58 *Act in favours of the vaſſals of ward lands holding of the King and Prince.* 146
59 *Act anent the breadth of plaiding.* 147
60 *Act in favours of the Laicke Patrons of Provoſtries, Prebendaries, Chaplainries, and Altarages.* ibid.
61 *Act diſcharging the quotes of Teſtaments.* 149
62 *Commiſsion for regulating the Commiſſariats.* ibid.
63 *Act diſcharging Monopolies.* 150
64 *Commiſsion for the Manufactories.* ibid.
65 *Commiſsion for the Secret Councell.* 152

17. November 1641.

66 *Act diſcharging the Cuſtome of two and an halfe on the hundred, and the impoſt of foure pound on the Tun.* 155
67 *Act in favours of Minors, anent the duties of the lands compriſed from them.* 156
68 *Commiſsion for the Theſaurarie.* 157
69 *Act anent the reſtitution of the horſe and armes to the owners out-putters thereof.* 158
70 *Act* Salvo jure cujuſlibet. 159
71 *Act appointing the next Parliament to conveene the firſt Tueſday of Iune* 1644. ibid.

THE

THE TABLE OF THE VNPRINTED ACTS AND RATIFICATIONS PAST IN This Parliament which began the last day of *August* 1639. and did conclude the 17. of *November* 1641.

1 DEclaration by the Estates of Parliament premitted by them to thir acts and proceedings made in that session of Parliament holden 11. of *June* 1640.

2 Act in favours of the Lady Loudoun and her children, 11. of *June* 1640.

3 Act and declaration anent the closure of that Session of Parliament 11. of *June* 1640.

4 Ratification of Generall *Lesleys* Commission to be Generall.

5 Act approving his proceedings as Generall, *in anno* 1639.

6 Ratification of Colonell *Hammiltouns* commission to be Generall of the Artilerie.

7 Ratification of Generall Major *Baily* his commission.

8 Ratification of Generall Major *Munros* gift.

9 Ratification of the Generall Commissars gift.

10 Act against the Keepers of the Castle of Dumbartan,

11 Act against the Keepers of the Castle of Thrave.

12 Decreet of forfeiture against Generall *Ruthven*, and others therein contained.

13 Reference in favours of *Robert Scot* of Dryhoip to the Committee of Estates.

14 Reference Laird of Kinhilt to the Committee of Estates.

15 Reference for *James Arnot* to the Committee of Estates.

16 Reference for Master *William Cunnyngham* to the Committee of Estates.

17 Protestation by *William Dick* Provest of Edinburgh anent the custome of ammunition.

18 Reference in favours of Sir *John Hammiltoun* of Reidhouse to the Committee of Estates.

19 Instrument and protestation for the Queenes-ferrie.

20 Declaration of the Estates anent the Earl of Glencairne his sitting and voycing in this session of Parliament.

21 Articles for ordering the house of Parliament.

22 Act to the Kings Advocate and Procutors for the Estate, for raising summonds against the Earle of Montrose, Lord Naper, Lairds of Keir and Blakhall.

23 Commission for concluding and subscribing the treatie at London.

24 Supplica-

24 Supplications Conſtable of Scotland and Towne of Edinburgh, with the Parliaments deliverance thereupon.
25 Declaration of the Aſſembly anent a Band ſubſcribed by ſome Noblemen, which is now cancelled.
26 Warrant for the Kings Advocate his in-coming to the Parliament houſe.
27 Ratification of the act of Exchequer for reliefe of theſe who are bound for the 100000. marks therein contained.
28 Act in favours of the Laird of Lochend, for entring of him to his Lands *gratis*.
29 Act in favours of Sir *William Dik* againſt Laird *Aickin*.
30 Proteſtation by the Kings Advocate anent his place, liberties and priviledges.
31 Declaration by the Parliament anent the Kings Manifeſt concerning the Prince Elector Palatine.
32 Act and warrant for publiſhing and printing of the Acts made in June 1640.
33 Act and warrant for cauſing print his Majeſties Manifeſt anent the Prince Elector, with the Parliaments approbation and remonſtrance thereupon to the King, with the Kings anſwer.
34 Act in favours of the Prince Elector for reſtraint of Levies and recrues of Souldiers.
35 Ratification of the profeſſion of Theologie in the Univerſitie of Glaſgow.
36 Commiſſion for the accompts of the three Regiments, *viz.* Lord *Sinclaire*, *Munro* and *Cochrane*.
37 Act of approbation and exoneration in favours of the Lord Loudoun.
38 Act of exoneration and approbation Earle of Rothes.
39 Act of approbation and exoneration Earle of Dumfermling.
40 Act of exoneration Maſter *Robert Barclay*.
41 Act of exoneration *Adam Blair*.
42 Act of approbation and exoneration Sir *John Smith*.
43 Act of approbation and exoneration Sir *Archbald Johnſtoun*.
44 Act of approbation and exoneration Laird of Wauchtoun.
45 Act of approbation and exoneration Sheriffe of Teviotdail.
46 Act of approbation and exoneration Laird of Riccardtoun Drummond.
47 Act of approbation and exoneration Maſter *Alexander Wedderburne*.
48 Act of approbation and exoneration *Hugh Kennedye*.
49 Commiſſion for tryall of *Helene Maſſes* anent the murder of her Bairn.
50 Act of approbation and exoneration Maſter *Alexander Henderſone*.
51 Act anent Maſter *Alexander Pitcairne* and the Laird of Ogill Ramſay.

52 Declaration by the Lord Ker concerning the Marqueſſe of Hammiltoun.
53 Act and declaration by the King and Parliament in favours of the Marqueſſe of Hamiltoun.
54 Exoneration to the Marques of Hammiltoun anent his keeping and delivering of the great Seal.
55 Act of exoneration and approbation in favours of the Lord *Amont*.
56 Commiſſion for hearing the Generall Commiſſars accompts.
57 Act in favours of Bannatyne of Kames, reponing him againſt the Commiſſars decreet.
58 Ratification and election of the new Kirk of Kilmarnock.
59 Commiſſion by the King and Parliament to the Committee for triall of the late incident concerning the Marques of Hammiltoun, and the Earl of Argyle.
60 Ratification and act in favours of the School-maſter of Megle.
61 Commiſſion to the Lord *Almond* and his Bayliff anent the triall of *John Fervie*.
62 Act in favours of Lieutenant Generall King.
63 Act and ratification to the Univerſitie of Saint Andrews of the rents of the Priorie and Biſhoprick of Saint Andrews.
64 Act in favours of the Burgh of Dornoch anent the change of their Faire.
65 Act reſcinding generall *Ruthvens* forfeiture.
66 Orders of the Parliament concerning the Iriſh buſineſſe, with a warrant to the ſecret Councell to give inſtructions to the Commiſſioners for the remainder of the Treatie.
67 Act in favours of the Prince Elector Palatine anent ten thouſand men to be ſent to Germanie.
68 Act and warrant in favours of the Earl of *Rothes* and others, for letters of repriſall againſt the Hamburgers.
69 Commiſſion for tryall of the murther of *Iſabel Drymmie*.
70 Ratification, exoneration and approbation in favours of the Marqueſſe of Argyle.
71 Warrant for putting Lieutenant Colonell *John Munro* to libertie.
72 Warrant to the Earle of Crafford for his enlargement.
73 Warrant for putting M. *John Guthrie* to libertie.
74 Warrant to ſir *Robert Spottiſwood* and Sir *John Hay* for their libertie.
75 Commiſſion for viſitation of the Colledge of Saint Andrews.
76 Act in favours of the Burrows, ratifying the act of the Committee for the reliefe of the gilders therein mentioned.
77 Act in favours of the Burgh of Glaſgow anent their libertie to nominate and elect their Magiſtrates.
78 Act for re-calling the Marqueſſe of Hamiltoun and Marqueſſe of Argyle to the Parliament.
79 Ratification in favours of the Town of Saint Andrewes.
80 Act in favours of *Alexander Cunnyngham* for four hundred and thirtie pounds ſterling.

81 Act to the Earle of Montroſe, Lord Naper, Lairds of Keir and Blakhall for their liberation.

82 Act in favours of Captaine *William Stewart*.

83 Act anent the keeping of the Caſtle of Edinburgh to the Earle of Levin.

84 Act in favours of the Earle of Levin for 100000. markes.

85 Act of approbation and exoneration to the Earle of Levin Lord Generall, and ſundry other generall Officers.

86 Act anent the liberation of the Earle of Montroſe, Lord Naper, L. Keir, L. Blakhall, Sir *Robert Spotiſwood*, Sir *John Hay*, and Lievtenant Colonell *Water Stewart*, with the Act of caution found by them, containing alſo a warrant to the Councell to take the like caution of the Incendiaries.

87 Reference to the Councell anent the incarceration of poore people.

88 Act in favours of the Officers of fortune within the Countrey, with a reference to the Commiſſion for the common burthens.

89 Reference in favours of the Lord Forbes to the ſamine Commiſſion.

90 Act in favours of the Procutors for the Eſtate, with a reference to the ſaid Commiſſion.

91 Reference in favours of *George Foules* to the Exchequer.

92 Act anent the pryces of Writts, Seales, and Regiſters remitted to the Councell, with power to doe therein as the King and Parliament might, and their determination to have the authority of an *Act* of Parliament.

93 Reference in favours of Maſter *Alexander Colvill*, and Maſter *James Robertoune* Juſtice Deputes to the Exchequer.

94 Reference Maſter *Alexander Pitcarne* miniſter to the Commiſſion for the common burthens.

95 Reference for theſe ſouldiers of fortune who were incarcerate at New-caſtle to the Commiſſion for the common burthens.

96 Reference for the Generall of artillerie to the ſaid Commiſſion.

97 Reference for the Earle of Hoome and Counteſſe of Hoome to that Commiſſion.

98 Supplication for the Britiſh Subjects remitted to the Kings Majeſtie.

99 Reference for the Earle of Nithiſdaile to the Councell.

100 Reference for the L. of Edzell to the Commiſſion for the common burthens.

101 Reference L. Moynes contra Glengarie to the Councell.

102 Reference in favours of Sir *William Dik* to the Exchequer.

103 Reference for the Lord Sinclare to the Commiſſion for the common burthens.

104 Reference for Sir *James Ramſay* to the Commiſſion for the common burthens.

105 Act and Reference in favours of the Earles of Mar and Linlithgow to the Councell, for recompence of their charges and expenſes anent

the workes contained in their patents for making powder and tanning leather.

106 Supplication L. Blair anent his warde and marriage granted.

107 Supplication L. of Cauldwell anent his ward and marriage granted.

108 Supplication in favours of the Lady Stormonth granted.

109 Supplication L. Mynto Turnble for his ward and marriage granted.

110 Supplication L. of Cromlix for his ward and marriage granted.

111 Act and warrant for transporting of *John* and *Thomas Blaks* from Drumfreis to the tolbuith of Edinburgh.

112 Act discharging the confluence of people to Edinburgh in this time of Parliament not being members nor having neceſſar attendance on Parliament, and appoynting ſtrong guardes to be kept.

113 Ratification in favours of Sir *William Scot* of Clarkintoun, of the lands, teinds, and Kirke thereof.

114 Ratification in favours of the Burgh of Forres of their infeftment.

115 Ratification in favours of the Laird of Kilbirnie of his infeftments of the Barronnie thereof, and others therein contained.

116 Ratification in favours of *John Hammiltoun* of Boghall of the lands of Boghall, and others therein ſpecified.

117 Ratification in favours of *James Melvil* of Hallhill for the lands of Nether-Grange of Kinghorne, Weſter-Mills, and Caſtle of Bruntiland.

118 Ratification in favours of Sir *John Preſtoun* of his gift of penſion.

119 Ratification in favours of the Earle of Lindſay of the Signator granted by the King to him of the lands, offices, and others therein contained, with the precept and ſeaſing to follow thereupon.

120 Ratification in favours of the Burgh of Kirkcudbright.

121 Ratification in favours of *James Sinclare* of Skallaway.

122 Ratification in favours of *William Maxwell* of Kirk-houſe.

123 Ratification in favours of the Laird of Grenok.

124 Act in favours of the Burgh of Lawder, appoynting a Faire therein yearely, 22. of *July*.

125 Act in favours of the town of Jedhurgh for two Faires yearly.

126 Ratification in favours of *Mart Stewart* of her letters of rehabilitation.

127 Ratification in favours of *Thomas Forbes* of Watertoun.

128 Ratification in favours of the Earle of Hoome of his infeftment of the Barronie of Dunce.

129 Ratification in favours of the Laird of Tofts for the lands of Eaſter and Weſter plew-lands.

130 Ratification in favours of Sir *Andrew Skene* for the Barronie of Auchtertuill.

131 Ratification in favours of Sir *Thomas Nicolſon* of the Barronie of Carnok.

132 Ratifi-

132 Ratification in favours of Maſter *Johne Skene* of the Baronnie of Halyiars.
133 Act in favours of the Weavers freemen Burgeſſes of Edinburgh.
134 Ratification in favours of the Towne of Edinburgh anent the augmentation of their Miniſters ſtipends out of the houſe-meales thereof.
135 Ratification in favours of Heriots hoſpitall.
136 Ratification in favours of the Lord Generall *Leſlie* Earle of Levin for the Baronnie of Balgonie and others therein contained.
137 Ratification in favours of Maſter *James Baird* for the lands of Little Fiddes.
138 Ratification in favours of *David Carnagie* of Ethie of the Baronnie of Craig-ethie.
139 Ratification in favours of *Robert Pringle*, and Maſter *John Pringle* his ſon for the lands of Templehall, teinds thereof, and lands of Woodheid.
140 Ratification in favours of the Maſons and Wrights of Edinburgh.
141 Ratification in favours of the Burgh of Dumbartane, anent their Fayres and Markets.
142 Ratification in favours of the laird of Swintoun anent the Baronnies of Swintoun and Cranſhaws, teinds thereof, and patronage of the Kirk of Cranſhaws.
143 Ratification in favours of the Lord Forreſter for Torwoodheid.
144 Ratification in favours of the Laird of Glenbervie for the lands and barronie thereof.
145 Ratification in favours of the Burgh of Renfrew.
146 Ratification in favours of the Burgh of Montroſe.
147 Ratification in favours of the Burgh of Dundie.
148 Two Ratifications in favours of the Earle of Lothian, of his rights and infeftments of the lands and others therein contained.
149 Ratification in favours of the Laird of Colingtoun, anent the lands, teinds, and barronie of Colingtoun.
150 Ratification in favours of *Johne Arnot* of Wodmylne, of his right thereof.
151 Act in favours of the houſe and familie of Ruthven of Bandeane to their ſurname of Ruthven.
152 Ratification in favours of the burgh of Linlithgow.
153 Ratification of the decreet arbitrall given by the Kings Majeſty betwixt the Earle of Buckleugh and *Francis Stewart*.
154 Ratification in favours of *Johne Moodie* of his right of ſome tenements in Leith
155 Ratification of the gift granted by the Kings Majeſty to the Miniſters at haly-rudehouſe of the impoſt of all wines vented in the Cannongate.
156 Ratification in favours of *Johne* Earle of Traquhair of his right of the lands and others therein contained.
157 Ratification in favours of Maſter *James Lawſon* of a tak

of the teinds of the Parochins of Badreule.

158 Ratification in favours of the ſheriffe of Teviotdaill for the Kirk lands of Cavers.

159 Ratification in favours of the laird of Frendrant of the two charters and infeftments therein contained, of the lands and Baronnie of Frendrant and others therein ſpecified, containing a declaration by the King and Parliament in his favours.

160 Ratification in favours of Sir *John Smith* of his rights of his lands in Crawmond.

161 Ratification in favours of Maſter *James Scot* of his infeftments of the lands of Bonytoun.

162 Act anent the erection of the Kirk of Elie.

163 Act for eſtabliſhing a particular Regiſter of ſeaſings for the ſhire of Argyle at Innerara.

164 Ratification and act anent the erection of the Kirk of Anſtruther weſter.

165 Act anent the diſ-uniting of the Kirk of Dennie from Falkirk.

166 Ratification in favours of the Burgh of Glaſgow, of their infeftment thereof.

167 Ratification in favours of *John Dikſon* of his infeftments and rights of the lands of Hartrie and Kilbocho, with the patronage of the Kirk and tak of the teinds thereof, and annuity of the ſamine.

168 Ratification in favours of the Earle Marſhall of his tak of the cuſtomes of Aberdene and Bamff.

169 Ratification in favours of the old and new colledges of Aberdene, of the mortification to them, of the rents of the Biſhoprick thereof.

170 Ratification in favours of Maſter *Peter Ewat* of the tak of the abbacie of Croceragnell.

171 Ratification in favours of the univerſity of Glaſgow, of the rents of the Biſhoprick of Galloway.

172 Ratification in favours of Sir *John Seytoun* of his penſion of two hundred pound ſtirling.

173 Ratification in favours of the ſchoole-maſter at Auchtertuill of the few dutie thereof.

174 Ratification in favours of the Miniſter at the North Kirk of Leith, of the mortification to them of the victuall therein mentioned.

175 Act of erection of the Kirk of Carreſtoun in favours of the laird of Balnamoone.

176 Ratification of the mortification of the teinds of Over-careſtoun and Pitforkie, &c.

177 Ratification to Maſter *Thomas Michell* of his gift of the rents of the Biſhoprick of Roſſe, unpayed cropts, 1638. 1639. 1640. and 1641.

178 Ratification in favours of the Earle of Dumfermling of the patronage of the Kirks of May and Dyke.

179 Ratifi-

179 Ratification in favours of the Earle of Mortoun anent Dalkeith, Lugtoun, and Sheriff-hall.

180 Ratification in favours of the Earle of Dumfermling of his tak of the Lordſhip thereof.

181 Ratification to *John Semple* of his infeftment of the Corne Milne therein mentioned.

182 Commiſſion to the Earles of Murray and Dumfermling, and the Laird of Innes, &c. for keeping of the water of Spey.

183 Ratification in favours of the Earle of Kinghorne of the right of his lands within the territorie of Glames, and others therein contained.

184 Ratification to the Towne of Muſcleburgh of their infeftment granted by the Kings Majeſty.

185 Ratification in favours of the Burgh of Glaſgow, of the new gift and mortification granted to them by the Kings Majeſtie.

186 Ratification in favours of *Patrik Ruthven*, brother to the ſometime Earle of Gowrie, ratifying the ſignator and gift granted to him by the Kings Majeſtie.

187 Ratification in favours of *Robert Leſlie* of his tak of the Biſhoprick of Orkney.

188 Ratification in favours of the Miniſter of Culros of his gift and mortification therein mentioned.

189 Ratification and Commiſſion in favours of the Burgh of Pearth, anent the Bridge thereof, and of his Majeſties new gift granted to them thereanent.

190 Ratification in favours of the Burgh of Whithorne.

191 Ratification to the Lord Amont of his rights of the Baronie of Falkirk and others.

192 Ratification to Maſter *Laurence Scot* of his rights of the lands of Bavelaw.

193 Ratification in favours of the Earle of Hoome of the contract and diſpoſition to him of the living and eſtate of Hoome.

194 Ratification in favours of the Burgh of Dumbar.

195 Ratification to the Marqueſſe of Hammiltoun of his infeftment of the Baronie of Monkland, and patronage of the Kirks of Calder and Monkland.

196 Ratification in favours of the Towne of Dunkeld.

197 Ratification in favours of *James Maxwell* and the Laird of Barnes anent the light upon the May.

198 Ratification to the Earle of Dalhouſſie of his tak of the teind ſheaves of Abbotſ-hall.

199 Ratification in favours of *Alexander Gordoun* of Earleſtoun anent the right of his lands therein ſpecified.

200 Ratification to the Earle of Rothes of his penſion of ten thouſand pound Scots yeerly.

201 Ratification to the Chirurgions and Barbers of Edinburgh of their liberties.

202 Ratification in favours of the Burgh of Pebles,

203 Ratification to the L. of Dun of the two taks ſet to him of the Cuſtomes of Montroſe.

204 Act in favours of the Hat-makers of Edinburgh, anent the libertie of an Overſeer or Quarter-maſter.

205 Ratification to *John Forbes* of Leſlie of his decreet againſt the Laird of Haddo.

206 Ratification to the Lord Fraſer of his decreet againſt the Laird of Haddo.

207 Ratification of the Sheriff-clerkſhip of Stirling, in favours of *John Williamſon*, and Maſter *David Forreſter*.

208 Ratification in favours of the Burgh of Aberdene, of the gift granted to them of the Kirk of Saint Nicolas teinds and patronage thereof.

209 Ratification of the decreet dif-uniting Kirkmabrek and Kirkdail from Anveth.

210 Ratification to the Laird of Keir of his tak of the teinds therein ſpecified.

211 Ratification to Maſter *William Wardlaw* of the gift of chalmerlanrie therein contained.

212 Ratification to *William Gordoun* of Kirkconnell of his right of the lands of Drumconkrie.

213 Ratification to the Miniſter at Donoone of the mortification of twelve hundred marks yeerly.

214 Ratification to the Duke of Lennox of his gift and right of the temporalitie of the Biſhoprick of Glaſgow, Baronie and Regalitie thereof.

215 Ratification in favours of the Miniſter of Dornoch of the gift of eight hundred marks yeerly out of the rents of the Biſhopricke of Caithnes.

216 Ratification in favours of the Earle of Findlater of the Signatour granted to him of the office of Bayliarie of the Baronie of Strathzlay.

217 Ratification in favours of the Burgh of Aberdene, of their rights and infeftments.

218 Ratification of the mortification of 1000. marks to the Miniſter at Glenluce, and 200 marks to the School-maſter thereat.

219 Ratification to *John Malcome* of the gift of Chalmerlanrie of the Stewartrie of Fife.

220 Ratification in favours of Colonell *John Leſlie* of his infeftment of the Myres.

221 Act anent the election of the Hoſpitall of the Baronie of Barhalgardie.

222 Ratification in favours of *Alexander Maxwel* of the lands of Dechmont.

223 Ratification to Maſter *Hary Chaip* of his infeftment of the lands of Ormeſtoun.

224 Ratification in favours of the Towne of Edinburgh of the gift granted to them of the patronage of the Kirks of Halyrudhouſe and North Leith.

225 Ratifi-

225 Ratification in favours of the Laird of Balfore of his infeftment of the teinds of Kilrinnie and others therein contained.

226 Ratification in favours of *John Innes* of Lenchars, of his gift of the bailliarie of Spynie and conſtabularie of the Caſtle thereof.

227 Ratification to the miniſter of Dunkell of the Kings gift of a thouſand Marks yearely.

228 Ratification in favours of *James Gordoun* of his infeftment of the lands of Seatoun.

229 Ratification in favours of the Parochioners of Markinſche of a decreet before the Commiſſioners for furrenders and teinds.

230 Ratification in favours of the L. of Kinhalt of the lands of Drummoir, and patronage of Kirkmadine.

231 Ratification in favours of the burgh of Rutherglen.

232 Ratification to Colonell *Hammiltoun* of his gift to be generall of the Artillery and gift of penſion.

233 Ratification to the beidmen of the Magdalene chappell of the mortification to them of an hundred and nine pounds ſterling yearly out of the Biſhoprick of Dunkell.

234 Ratification to the Earle of Tullibardine of his rights and infeftments of the lands therein contained.

235 Ratification to Maſter *Alexander Wedderburne* of his tak of the cuſtomes of Dundie.

236 Ratification in favours of Sir *William Dik* of his right and infeftment of the lands and teinds of the Baronnie of Northbervik.

237 Ratification to Sir *William Dik* of his tak of the viccarage, teinds, ſalmond, herring, and other fiſh teind betwixt Tyne and Skaitraw.

238 Ratification to the L. of Wedderburne of his tak of the teind ſheaves of kello, &c.

239 Ratification of the contract betwixt the Kings Majeſty and the Earle Marſhall, anent the woodſet of the Lordſhip of Deire.

240. Act anent the erection of the Kirk of Longſyd.

241 Ratification in favours of the laird of Panmure of his infeftment of the Lordſhip of Briechen and Navar, and others therein contained.

242 Ratification in favours of the Earle of Kinnoull of his infeftment of the Baronnie of Duplin with a diſſolution.

243 Ratification in favours of the Earle of Kinnoull of his infeftment of the Baronnie of Kinfawns.

244 Ratification to the Earle of Kinnoull of a tak ſet by the Kings Majeſty to him of the teinds of Conſland.

245 Ratification in favours of the Earle of Sea-forth, of his Baronnie of the Lewes, with a diſſolution.

246 Ratification in favours of *James Pierſon* of his infeftment of the lands of Auchtermeggets.

247 Ratification in favours of Sir *John Hammiltoun* of Orbeſtoun knight Juſtice Clerk of the lands of Orbeſtoun, and others therein contained.

248 Ratification in favours of *William Gray* of his infeftment of the Baronnies of Fouls and Forgund, and of the patent of honour, in favours of William maſter of Gray his ſon.

249 Commiſſion

249 Commiſſion to the Earle of Montroſe, and Laird of Panmure of the Juſticiarie of the fiſhings of the waters of North and South-esks.

250 Ratification of an Infeftment in favours of the towne of Cromarty.

251 Ratification of an Infeftment in favours of the towne of Innernes.

252 Ratification of an Infeftment in favours of the towne of Roſmarkie.

253 Ratification in favours of the towne of Breichen of their infeftment with a *novo damus*.

254 Ratification in favours of the towne of Lanerk of their infeftment.

255 Reference in favours of the Pariſhioners of Bers to the Commiſſion for plantation of Kirkes.

256 Ratification in favours of the Lord Couper of his lands of Caſſiltown and Engliſhtown, and others therein contained.

257. Act in favours of the burgh of Selkirk, anent a Faire to be holden therein yearely on the fourth of July.

258 Ratification in favours of Sir *James Balfoure* of his infeftment of the Baronnie of Kinnaird.

259 Ratification in favours of the laird of Pluſcardine of his infeftment of the lands of pluſcardine, and others therein contained.

260 Ratification of the infeftment of the erection of the Lordſhip of Cardroſe.

261 Ratification in favours of Sir *William Stewart* younger of Gairntullie of his infeftment of the lands of Strabrand.

262 Ratification in favours of the L. of Nidrie, of his infeftment of the lands of Nidrie, marſhall and others therein contained.

263 Ratification in favours of *William Seytoun* of Grange of his gift of generall poſt-maſter of Scotland, containing an exception in favours of the burghes of Bruntiland and Kinghorne.

264 Ratification in favours of the town of Weik of their infeftment, with a declaration, declaring the ſaid town to be the head burgh of the ſheriffedome of Caithnes.

265 Commiſſion to the Earle of Erroll anent the juſticiarie of the fiſhings upon the water of Ithane.

266 Ratification in favours of the towne of Bruntiland, of an act of exchequer, with a declaration that Sir *James Melvill* his aſſuming of the ſtyle of Bruntiland ſhall no wayes be prejudiciall to their liberties.

267 Ratification in favours of the Earle of Erroll of a penſion granted to him by the Kings Majeſty.

268 Ratification in favours of the Earle of Kinoull, of his right of the lands of Erroll.

269 Ratification of the immutuall band amongſt the heritours adjacent the Pow of Inchaiffray.

270 Ratification in favours of *William Gray* of Pittindrum, and *William* Maſter of *Gray* his ſon, of a tak ſet by the Kings Majeſty to them of the teinds of their lands, lying within the Parochin of Fowles, and others therein contained.

271 Ratification in favours of the miniſter of Brechin,

272 Ratifica-

272 Ratification in favours of the Miniſter of Navar.
273 Ratification in favours of Sir *Alexander Gibſon* of Durie, one of the Senators of the Colledge of juſtice.
274 Ratification in favours of Maſter *John Cant.*
275 Ratification in favours of the Fewars of Kyliſinure.
276 Ratification in favours of *James Dumbar.*
277 Ratification in favours of the Lord Lorne.
278 Two ratifications in favours of the Laird Ackine.
279 Two ratifications in favours of Sir *James Macgill*, of Cranſtoun Riddle Knight, one of the Senators of the Colledge of Juſtice.
280 Two Ratifications in favours of Sir *James Scot* of Roſſie.
281 Ratification in favours of the Earle of Eglintoun.
282 Ratification in favours of the Earle of Queensberry.
283 Ratification in favours of the rights of the Canongate.
284 Ratification in favours of my Lord Advocate.
285 Ratification in favours of Somervell of Drum.
286 Ratification in favours of *Robert Pringle* of Stichell.
287 Ratification in favours of *John Carſtairs.*
288 Ratification in favours of the Laird of Houſtoun.
289 Ratification in favours of Doctor Chalmers.
290 Ratification in favours of *James Maxwell* of Innerweek.
291 Ratification in favours of the Earle of Lawderdaill.
292 Ratification in favours of Maſter *William Cochrane* of Cowdoun.
293 Ratification in favours of the Towne of Irving.
294 Ratification in favours of the Laird of Dalmahoy.
295 Ratification in favours of the South Queensferrie.
296 Ratification in favours of Sir *Richard Grahame.*
297 Ratification in favours of *William Scot* and his brethren.
298 Proteſtation Earle of Sutherland anent his place.
299 Proteſtation Lord Borthwik anent his place.
300 Proteſtation L. of Cambo, as Commiſſioner for the Sherifdome of Fife.
301 Proteſtation L. of Ceſnok in name of the whole Barons.
302 Proteſtation L. of Wedderburne, as Commiſſioner for the Sherifdome of Bervik.
303 Commiſſion and warrant by the King and Parliament to the Exchequer for regulating the Book of Rates.
304 Warrant by the King and Parliament to the Councel to diſ-band the companies yet on foot, and to provide for moneys for that effect
305 Proteſtation Towne of Kinghorne and *Robert Hepburne* for the Earle of Dumfermling againſt Halhils Ratification.
306 Proteſtation for the Kings Veallers againſt *James Sinclars* Ratification.
307 Proteſtation Towne of Renfrew againſt the Laird of Grenocks Ratification.
308 Proteſtation Wrights of the Cannongate againſt the Wrights of Edinburgh their Ratification.
309 Proteſtation Earle of Argyle againſt the Ratification for the town of Dumbartan.

310 Proteſtation Town of Glaſgow againſt the ſame Ratification.
311 Proteſtation Town of Glaſgow againſt the Ratification for the Burgh of Renfrew.
312 Proteſtation Town of Renfrew againſt the Ratifications of the Burgh of Glaſgow.
313 Proteſtation Town of Dumbartan againſt the Ratifications of the ſaid Burgh of Glaſgow.
314 Proteſtation L. Dun againſt the Ratification of the Towne of Montroſe.
315 Proteſtation L. of Houſtoun againſt the Ratification of Renfrew.
316 Proteſtation L. of New-warke againſt the Ratification of Renfrew.
317 Proteſtation Marqueſſe of Hammiltoun againſt the Ratification of the Town of Linlithgow.
318 Proteſtations Earls of Buckleugh and Hadingtoun, and Bayliffe of Lochend, againſt the Ratification in favours of *Francis Stuart*.
319 Proteſtation Towne of Pebles againſt the Ratification of the Earle of Traquair.
320 Proteſtation Lord Amond againſt the Act for the Kirk of Denny.
321 Proteſtation L. of Minto againſt the Ratification of the Town of Glaſgow.
322 Proteſtation Towne of Renfrew againſt the Ratification in favours of the L. of Houſtoun.
323 Proteſtation Kirk of Anſter againſt the Ratification of the Kirk of Kilrinnie.
324 Proteſtation Sir *William Dik*, and the whole fiſhers againſt the Ratification in favours of the L. *Aickine*.
325 Proteſtation Town of Edinburgh againſt the Ratification in favours of the Wrights of the Canongate.
326 Proteſtation Towne of Edinburgh againſt *Robert Leſleys* ratification.
327 Proteſtation Earl of Galloway againſt the Ratification in favours of the Univerſitie of Glaſgow.
328 Proteſtation Earle of Pearth againſt the Town of Newburgh.
329 Proteſtation and declaration Earle of Dumfermling againſt the Ratification for the Queenes-ferrie.
330 Proteſtation Towne of Air againſt the Town of Irvings Ratification.
331 Proteſtation for *Hoome* againſt *John Carſtairs* Ratification.
332 Proteſtation Town of Brechin againſt the act of erection of the kirk of Carreſtoun.
333 Proteſtation Earle of Lauderdail againſt the Towne of Muſcleburghs Ratification.
334 Proteſtation and declaration Earle of Kinnoull *contra Patrik Ruthvens* Ratification.
335 Proteſtation Towne of Edinburgh againſt the act in favours of the Hat-makers.
336 Proteſtation L. of Haddo againſt the Ratifications in favours of the

the L.Fraſer,and L.Leſley,and their proteſtation in the contrair.

337 Proteſtation Laird Leſley for the ſhire againſt the Town of Aberdenes Ratification of their infeftment.

338 ProteſtationLord Maitland againſt the Earl of Hooms ratification.

339 Proteſtation Lord Yeſter againſt the ratification of the Towne of Pebles.

340 Proteſtation and declaration by the King and Parliament in favours of the Procutor and agent for the Kirk for their fees againſt the Ratification in favours of the Duke of Lennox of his right to the Biſhoprick of Glaſgow.

341 Proteſtation Marques of Hammiltoun againſt the Duke of Lennox Ratification.

342 Proteſtation Colledge of Glaſgow againſt the Town of Glaſgows Ratification.

343 Proteſtation Earle of Lanerk for *Robert Leſley* againſt the Ratification of the gifts of the Biſhops rents of Orknay, with his Majeſties declaration abiding by the gift of *Robert Leſley*, as being firſt done, and preferring the ſamine to all other gifts.

344 Proteſtation L. *Giffan* againſt the Ratification in favours of the town of Glaſgow,of the Biſhoprick of Galloway,& their gift therof.

345 Proteſtation Earl of Murray againſt *Innes* of LeucharsRatification.

346 Proteſtation Town of Glaſgow againſt the Town of Rutherglens Ratification.

347 Proteſt. L.of Balymayne againſt the L.of Panmures Ratification.

348 Proteſtation Earl of Argyle againſt the Earle of Seaforths Ratification of the Lewes.

349 Proteſtation Earl of Sutherland againſt that Ratification.

350 Proteſtation Marqueſſe of Hamiltoun againſt the Towne of Lanerks Ratification.

351 Proteſtation and declaration Towne of Dumbartan againſt Renfrew their Ratification.

352 Proteſtation and declaration Renfrew againſt the Town of Dumbartan their Ratification.

353 Proteſt. L.of Lawers againſt the Earl of Tullibardans Ratification

354 Proteſtation Earl of Seaforth againſt the Ratification of the town of Weik.

355 Proteſtation Earle of Southesk againſt the Ratification in favours of the Miniſter of Brechin, with the Commiſſioners of Brechins proteſtation in the contrarie.

356 Proteſtation *Alexander Urchart* againſt the Ratification in favours of the Town of Cromartie.

357 Proteſtation Marques of Hammiltoun againſt the Ratification in favours of the Town of Glaſgow.

358 Proteſtation Lord Yeſter againſt the Ratification in favours of the Earl of Kinnoul.

359 Proteſtation Earl Marſhall againſt the Ratification in favours of the Earl of Kinnoull.

360 Proteſtation in favours of the Earl of Erroll.

FINIS.